

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA ) CAUSE NO. 3:04-CR-240-P  
(  
vs. )  
( OCTOBER 27, 2008  
( DALLAS, TEXAS  
HOLY LAND FOUNDATION, ET AL ( 9:00 A.M.

---

VOLUME 25 OF 37

---

STATEMENT OF FACTS

BEFORE THE HONORABLE JORGE A. SOLIS  
UNITED STATES DISTRICT JUDGE  
and a jury

---

A P P E A R A N C E S

FOR THE GOVERNMENT: UNITED STATES ATTORNEY'S OFFICE  
1100 COMMERCE, 3RD FLOOR  
DALLAS, TEXAS 75242  
BY: MR. JIM JACKS  
MR. BARRY JONAS  
MS. ELIZABETH SHAPIRO

FOR THE DEFENDANT: FREEDMAN, BOYD, HOLLANDER,  
(SHUKRI ABU BAKER) GOLDBERG & IVES, P.A.  
20 FIRST PLAZA, SUITE 700  
ALBUQUERQUE, NEW MEXICO 87102  
BY: MS. NANCY HOLLANDER  
MS. TERESA DUNCAN

1                   FOR THE DEFENDANT:   LAW OFFICE OF JOSHUA L. DRATEL  
2                   (MOHAMMAD EL-MEZAIN) 14 WALL STREET, 28TH FLOOR  
3                   NEW YORK, NEW YORK 10005  
4                   BY: MR. JOSHUA DRATEL  
5                   MR. AARON J. MYSLIWIEC

6                   FOR THE DEFENDANT:   LAW OFFICE OF MARLO P. CADEDDU  
7                   (MUFID ABDULQADER) 3232 MCKINNEY AVENUE, SUITE 700  
8                   DALLAS, TEXAS 75204  
9                   BY: MS. MARLO P. CADEDDU

10                  FOR THE DEFENDANT:   LAW OFFICE OF LINDA MORENO  
11                  (GHASSAN ELASHI) P.O. BOX 10985  
12                  TAMPA, FLORIDA 33679  
13                  BY: MS. LINDA MORENO

14                                   JONES DAY  
15                                   555 CALIFORNIA ST., 26TH FLOOR  
16                                   SAN FRANCISCO, CA 94104  
17                                   BY: MR. JOHN D. CLINE

18                  FOR THE DEFENDANT:   WESTFALL, PLATT & CUTRER  
19                  (ABDULRAHAM ODEH) ONE SUMMIT AVENUE, SUITE 910  
20                  FORT WORTH, TEXAS 76102  
21                  BY: MR. GREG WESTFALL

22                  COURT'S LAW CLERK:   MS. JENNIFER HELMS  
23                                   1100 COMMERCE, RM. 1654  
24                                   DALLAS, TEXAS 75242

25                  COURT COORDINATOR:   MS. BRENDA WEBB  
                                  1100 COMMERCE, RM. 1654  
                                  DALLAS, TEXAS 75242

                  OFFICIAL COURT REPORTER: SHAWN M. McROBERTS, RMR, CRR  
                                  1100 COMMERCE STREET, RM. 1654  
                                  DALLAS, TEXAS 75242  
                                  (214) 753-2349

## INDEX

### EXAMINATION

Witness Name	Page
LARA BURNS	
Cross By MR. MYSLIWIEC .....	26
Redirect By MR. JONAS .....	38
Recross By MR. WESTFALL .....	72
Recross By MS. MORENO .....	89
Recross By MS. HOLLANDER .....	100
Recross By MR. MYSLIWIEC .....	109
Recross By MR. JONAS .....	115
JACKIE NORTHRUP	
Direct By MR. JACKS .....	117
Cross By MS. WESTFALL .....	146
Cross By MS. HOLLANDER .....	162
Redirect By MR. JACKS .....	164
Recross By MR. WESTFALL .....	165
AVI	
Direct By MS. SHAPIRO .....	168

### Government's Exhibits

Government's Exhibits	Page
Payments to Islamic Society Admitted into Evidence	42
HLF Search No. 47, 50, 51 Admitted into Evidence	134
Demonstrative No. 30 Admitted into Evidence	184
Demonstrative No. 10 Admitted into Evidence	187
German Document No. 2 Admitted into Evidence	192

### Defendant Exhibits

Defendant Exhibits	Page
No. 1356-1360, 1362-1364, 1393 Admitted into Evidence	72
No. 1415 Admitted into Evidence	76
No. 1416 Admitted into Evidence	88
No. 1417 Admitted into Evidence	89
No. 1407 Admitted into Evidence	148
No. 1406 Admitted into Evidence	148
No. 1408 Admitted into Evidence	151
No. 1405 Admitted into Evidence	157

1 THE COURT: Good morning.

2 MR. JONAS: Your Honor, we were just discussing the  
3 issue from Friday. This is the first time we had to talk. I  
4 think we are resolving it. And if we could just approach the  
5 bench?

6 THE COURT: Sure.

7 (The following was had at the bench.)

8 MR. JONAS: I will explain my understanding. I  
9 think we are on the same page.

10 The Defense has created this list of names they received  
11 from two of the Government's Exhibits, InfoCom Search No. 90  
12 and InfoCom Search No. 100. InfoCom Search No. 100 is the  
13 payment vouchers that says Ibrahimi mosque massacre. So we  
14 delineated with the two asterisks is from No. 100 and one  
15 asterisk is from 90.

16 And we are in the process of creating a new revised  
17 general assembly document. This is the very originally one  
18 unredacted, and I am assuming they will substitute the one  
19 that they admitted that will identify these people and how  
20 they died.

21 And in InfoCom Search No. 90, it is a request from the  
22 al-Salah Society to the HLF to support some of these people,  
23 and it says they died in the aftermath of the Ibrahimi mosque  
24 massacre. What the Defense will show is that in the U.N.  
25 document these people did not die as part of the massacre;

1       that they died on related or some other way.

2               And the point is, and correct me if I am wrong, and I am  
3       not sure if this is brought out through Agent Burns or this  
4       will be made argument later on, it is not the HLF who is  
5       determining who died in the massacre, it is the requesting  
6       committee.

7               InfoCom Search No. 90 only has about six pages with  
8       regard to this issue. I think there were more pages that in  
9       order to help both the Defense and the Government we need to  
10      flesh it out and add some additional pages. Agent Burns is  
11      the one that needs to identify that.

12              So I know this is a little unusual, but when she is off  
13      the stand, I think the Defense and Government can sit down and  
14      identify those additional pages to flesh out the issue for  
15      both sides regarding the payments to people and add those  
16      additional pages.

17              MS. CADEDDU: What are those additional pages?

18              MR. JONAS: You will have to ask Agent Burns. I am  
19      not allowed to ask her.

20              MS. CADEDDU: You are talking about Exhibit No. 90  
21      is incomplete?

22              MR. JONAS: It is from boxes of records, so there  
23      are additional pages that pertain to this particular issue.

24              What I am proposing is -- If we don't agree on it we  
25      don't agree on it. If we agree that these pages need to go --

1           I will give you an example. InfoCom Search No. 90 which  
2 has the additional names that you guys want to admit to show  
3 that there were people that were paid under this massacre,  
4 there is no indication that they were actually paid, versus  
5 InfoCom Search No. 100 we have payment vouchers. No. 90 just  
6 has a list that says, "We want to support these people," and  
7 that is it.

8           MS. CADEDDU: That is your exhibit and it is in.  
9 Right?

10          MR. JONAS: If you don't want --

11          MS. CADEDDU: I am just asking. I am not being  
12 combative.

13          MR. JONAS: It is our exhibit and it is in. And  
14 what I am saying is I am going to come back and argue saying  
15 there is nothing to indicate HLF actually supported these  
16 additional people. What I am proposing is we sit down and we  
17 look to see what additional paperwork is on this and maybe  
18 flesh out the issue so it is more supported. I think this  
19 works to both sides' benefit.

20          MS. CADEDDU: Here is what I would propose, Your  
21 Honor. I helped Mr. Mysliwiec put this together. I would  
22 propose that there be additional exhibit if there are some  
23 additional pages, rather than substituting -- What concerns me  
24 is I am losing track of which exhibits -- they come in and  
25 then we talk about them and then they change later, and what

1 concerns me is I just think that is confusing to us and to the  
2 jury.

3 So maybe we can do like an A. You know what I mean?  
4 Like an InfoCom No. 90-A that is additional pages that the  
5 Government wants to put in later and make it a separate  
6 exhibit. So that would be my proposal, that would be my  
7 preference just so that I can keep track of what went before.

8 MR. JONAS: That is fine with me, but we need to sit  
9 down with Agent Burns collectively at some point.

10 THE COURT: Is she going to be first up this  
11 morning?

12 MR. MYSLIWIEC: Cross is still continuing, which I  
13 hope won't take longer than 20 minutes.

14 MS. CADEDDU: Would you recall her?

15 MR. MYSLIWIEC: One of the reasons we are doing this  
16 is to speed it up also, because we will have gone over these  
17 exhibits a little bit with Agent Burns.

18 MR. JONAS: I don't know that it is necessary to  
19 recall her. I think the points are being made by the parties  
20 in this testimony. I think we just need to supplement the  
21 pages for the record. I hear a yes and a no so I am not sure.

22 THE COURT: You start working it out and see where  
23 you wind up with that, and if you can't resolve it let me  
24 know.

25 MR. JONAS: At the end of the day if we end up with

1 the exhibits just the way they currently are, that is fine  
2 with the Government as well.

3 MS. CADEDDU: My only point if that we are going to  
4 later substitute exhibits if we have already talked about  
5 them, then I think what we need to do is add a new exhibit or  
6 do like an A, some way to differentiate. Because otherwise  
7 what happens is we talked to the jury with certain exhibits  
8 and then later they get substituted and changed and I get  
9 confused.

10 MR. JONAS: This particular issue InfoCom Search  
11 No. 90 I am speaking only for.

12 THE COURT: That is fine. So you can try to work  
13 that out.

14 So you plan on finishing her, and who is the next  
15 witness?

16 MR. JONAS: It will be the computer lady.

17 THE COURT: How long do you expect her?

18 MR. JONAS: She is Mr. Jacks' witness, but I don't  
19 think she will be on the stand more than a half hour. I mean,  
20 it is really just to get some computer stuff in evidence.

21 THE COURT: Okay. And how long did you expect your  
22 redirect of Agent Burns?

23 MR. JONAS: Maybe 15, 20 minutes. It is not going  
24 to be long at all.

25 THE COURT: You are expecting Avi to start this



1 morning, then?

2 MR. JONAS: Yes, barring unforeseen circumstances,  
3 yes.

4 MS. CADEDDU: So we are going to have to eject  
5 everyone again.

6 MS. HOLLANDER: I don't understand. Are you working  
7 this out before she takes the stand?

8 MR. JONAS: No, because you won't let us talk to  
9 her.

10 THE COURT: That is why you were talking about  
11 whether they have to recall her or not. You work out what you  
12 can, and we will do what we have to do.

13 MS. HOLLANDER: I am on a separate issue.

14 MS. SHAPIRO: I have a few issues, too.

15 MR. MYSLIWIEC: Is this considered in now? There is  
16 no objection from the Government. It is a summary exhibit.

17 MR. JONAS: That is correct. No objection to this  
18 Defense Exhibit No. 1414. Is it a summary or demonstrative?

19 MR. MYSLIWIEC: Summary.

20 MR. JONAS: I thought it was a demonstrative.

21 MR. MYSLIWIEC: It is just like your summaries  
22 charts based on information in 90 and 100.

23 MR. JONAS: Except the difference is a 1006 summary  
24 has to summarize voluminous amounts of evidence. This  
25 summarizes two exhibits that have very few pages in them. The

1        zakat schedule summarized many, many, many exhibits. That is  
2        why what we did with this issue was admit it as a  
3        demonstrative. I have no objection as a demonstrative. I do  
4        have an objection as a 1006 summary.

5                MR. MYSLIWIEC: It also summarizes what is in the  
6        U.N. report, so it actually summarizes three separate  
7        documents. And the reason it is a summary is it is such a  
8        complicated cross-referencing process, that that has the  
9        effect of being voluminous, because it really takes about  
10       three hours to cross reference all of these names on the  
11       different exhibits.

12               MR. JONAS: Not the way they were redacted, Your  
13       Honor. It only took me about 15 minutes yesterday to cross  
14       reference the names.

15               MR. MYSLIWIEC: He must be moving at lightning speed  
16       because it took me quite a bit longer.

17               MR. JONAS: I don't want to comment on your work.

18               MR. MYSLIWIEC: In terms of where these are on  
19       No. 90 or 100, the names are a little bit different in terms  
20       of spelling.

21               THE COURT: Let me take a look at those documents,  
22       and then I will get back to you. It is admitted, and then we  
23       will decide whether it is demonstrative or a substantive  
24       document depending on what is there.

25               Anything else on this one, then?

1 MR. MYSLIWIEC: No. I just need a couple of minutes.

2 THE COURT: I think we have some other issues.

3 MS. HOLLANDER: Yes. We got an email from Ms.  
4 Shapiro that the Government wanted to change another exhibit  
5 that has been admitted, a summary exhibit, and I would object  
6 again to changing an exhibit that has been admitted that we  
7 have cross examined the jury about. If they want --

8 MS. CADEDDU: The witness.

9 THE COURT: Which one are you wanting to change?

10 MS. SHAPIRO: Well, there were a few things.

11 One, last week I gave the Defense a disk of I think four  
12 or five exhibits that had errors in the translation; nothing  
13 in the original exhibit, but there is extraneous material. I  
14 think we addressed that at the bench during the cross  
15 examination of Major Lior. And I didn't hear an objection, so  
16 I don't know if there is an objection.

17 MS. HOLLANDER: That was admitted.

18 MS. SHAPIRO: Yes.

19 MS. CADEDDU: I think the Judge admitted that  
20 translation, did you not?

21 THE COURT: You got me. I am not sure I know what  
22 you all are talking about, frankly.

23 MR. JONAS: The key chain issues.

24 MS. SHAPIRO: There was an issue with the key chain.  
25 The issue was that when these documents were all turned over

1 many years ago, literally, like 2005, we had not the  
2 originals. We had copies at that point. And the copies had  
3 analysis on it from the Israeli government. And the Arabic  
4 translators didn't know Hebrew. So when they translated those  
5 documents initially, they would put Hebrew text in brackets.  
6 I guess on one occasion there was some Hebrew translated.

7 In any event, the originals don't have any of that on  
8 that. Somehow some of the translations should have been  
9 swapped out last year but they weren't.

10 There were three I think exhibits like that where we want  
11 to substitute just the translations that the exhibit doesn't  
12 have that extra brackets Hebrew text, because it is not on the  
13 exhibit. The witness hasn't discussed these exhibits. He  
14 substantively can't discuss them.

15 THE COURT: I don't want to keep the jury waiting on  
16 this. It is an issue we are just going to have to deal with  
17 and pick it up sometime earlier in the morning or later in the  
18 day when the jury is not here. And I will probably want to  
19 look at them and see what is there.

20 MS. SHAPIRO: The one that we may want to just  
21 address now because Mr. Jonas may need it for his redirect,  
22 there is one document PA No. 8, I believe, where the cover  
23 page wasn't translated, and we wanted to make sure that the  
24 translation is in.

25 THE COURT: You want to offer the translation?

1 MS. SHAPIRO: Exactly.

2 MS. HOLLANDER: Have we seen it?

3 MS. SHAPIRO: It is on the disk we gave you last  
4 week. It is the cover page and the table of contents and that  
5 is it.

6 MS. HOLLANDER: If we can just quickly take a look  
7 at it.

8 MS. MORENO: We will look at it.

9 MS. HOLLANDER: And the others we will just hold  
10 off. We have some others.

11 THE COURT: Yes, because I don't want to keep the  
12 jury waiting.

13 MS. SHAPIRO: And I can shortcut some discussion. I  
14 am not going to offer the "Eye On America" videos. I think we  
15 would be spinning our wheels on that one.

16 THE COURT: Right. I think you are right. I don't  
17 know that I would have heard that much argument, but I don't  
18 know that I was going to let it in. I already knew what I was  
19 going to do.

20 The German documents, why are you wanting those? Why are  
21 those relevant?

22 MS. SHAPIRO: Those are relevant because Sheikh  
23 Yassin is writing them on behalf of an organization that the  
24 Holy Land gave to, a co-conspirator organization. And they  
25 talk about some of the educational institutions that the

1 expert will be talking about that are clearly co-conspirator  
2 statements in furtherance of.

3 THE COURT: That is German Documents No. 2 and 4?

4 MS. SHAPIRO: Yes.

5 THE COURT: Not No. 3.

6 MS. SHAPIRO: No, I am not using No. 3.

7 THE COURT: Anything else besides what you have in  
8 writing?

9 MS. DUNCAN: I don't think so, Your Honor.

10 THE COURT: Okay. German Documents No. 2 and 4?

11 MS. DUNCAN: On No. 2 and 4 is that there hasn't  
12 been any evidence of a co-conspiracy between HLF and the  
13 al-Aqsa Foundation. I know Your Honor is reserving ruling on  
14 those.

15 THE COURT: I will hold off -- I guess you will need  
16 to lay a predicate through your witness, or you got in what  
17 you have?

18 MS. SHAPIRO: He will talk just a little bit.

19 THE COURT: And the "Eye on America," you are  
20 withdrawing that.

21 MS. SHAPIRO: I Am withdrawing that, but I want to  
22 be clear the witness has seen it and relied on it in talking  
23 about the letters that were written from the committees in  
24 response to that.

25 THE COURT: The letters are in?

1 MS. SHAPIRO: The letters are in, and the only  
2 reason that we listed the video was to give context to the  
3 letters, but we don't need to have the video. We can just ask  
4 him if he has seen it and whether it alleged a link between  
5 Holy Land and Hamas, and that these letters came in in  
6 response.

7 MS. HOLLANDER: The letters were part of what was  
8 conditionally admitted, because they admitted a bunch of stuff  
9 and we asked that we get an opportunity to object when they  
10 actually were going to use them.

11 THE COURT: That is where we are now. And your  
12 objections to the letters?

13 MS. DUNCAN: I think we were objecting to hearsay  
14 and relevance, Your Honor.

15 And if I could just clarify with Ms. Shapiro, you are  
16 planning to ask him, "You saw this video, and it alleges a  
17 link between Holy Land and Hamas," and that is the end of it  
18 for you?

19 MS. SHAPIRO: Yeah. And was he aware of a  
20 letter-writing campaign from certain committees, and then we  
21 will show him the letters that are from people that the Holy  
22 Land had extensive relationships with and committees that they  
23 supported that are at issue in this case.

24 MS. DUNCAN: I think with that, it is the same as  
25 the letters, and we object on hearsay and relevance.

1 MS. SHAPIRO: He is an expert and can rely on  
2 hearsay.

3 MS. HOLLANDER: Well, some hearsay.

4 I am going to have another objection to Avi. Do you want  
5 to take it up later?

6 THE COURT: Anything to Avi, now, yes.

7 MS. HOLLANDER: I am going to object to his relying  
8 on any interrogations. And the fact that he doesn't say they  
9 are interrogations I don't believe cures the confrontation  
10 issue in *Crawford*. There is case law on this that an expert  
11 can't rely on something that would violate the confrontation  
12 clause. And so -- I was going back through last year's  
13 testimony, and we objected to this. And he will say, you  
14 know, "so and so gave a statement," or "I am relying on  
15 something that somebody said." And if that was something that  
16 was in the course of an interrogation, then he can't rely on  
17 that without violating *Crawford*.

18 MS. SHAPIRO: This issue came up last year, and  
19 Judge Fish ruled on it, actually wrote an opinion, and I will  
20 bring that up to Your Honor. I can't remember the ECF number.  
21 But he said so long as the expert is not relying exclusively  
22 on an interview or interrogation, that as long as it was just  
23 part of the body of material that he was relying on, that is  
24 fine.

25 THE COURT: I think you cited it --



1 MS. SHAPIRO: It was actually in the context of  
2 Colonel Fighel, because we weren't sure which we were going to  
3 use at that point. But this issue was briefed and he decided  
4 it was equally applicable with this witness.

5 MS. CADEDDU: We actually disagree with that ruling  
6 and we believe it is an error.

7 MS. HOLLANDER: And I actually believe it is a  
8 serious error because it is a confrontation issue.

9 THE COURT: Okay.

10 MR. DRATEL: And also because this 3500 material  
11 catalogs about three or four dozen statements that he has  
12 integrated into his expertise and to his opinions and  
13 analyses.

14 MS. HOLLANDER: He talks, for example, there is a  
15 guy named Mahmoud Rumhi, and he talks about him, and in his  
16 3500 material he specifically says that he was, you know,  
17 detained in 1992, and he said this, this, this, and this.

18 THE COURT: So you are not going to solicit from him  
19 what these statements were?

20 MS. SHAPIRO: In terms of what people said?

21 THE COURT: Yes.

22 MS. SHAPIRO: No. But the fact that somebody was  
23 arrested is public knowledge. Sometimes that is publicized in  
24 the media.

25 THE COURT: But that is not making any statements.

1 I am talking about the statements that were elicited.

2 MS. SHAPIRO: He is not going to be repeating  
3 statement, but to the extent that he has learned things  
4 through his research, and part of his research is reading  
5 statements, and these are police statements, that, I mean,  
6 yes, that is one of the many things he relied on.

7 THE COURT: He is going to be stating an opinion and  
8 what he has learned, rather than quoting statements from any  
9 of these --

10 MS. SHAPIRO: Right. He is not going to quote. I  
11 think there are a couple of anecdotes that he was going -- not  
12 anecdotes, but examples that sort of illustrate how the social  
13 welfare wing works; that it is derived from a variety of  
14 materials, including interrogations. But --

15 THE COURT: I agree with Judge Fish's order. I read  
16 that last week, and I agreed with his ruling, so those  
17 objections are overruled on that issue.

18 The GOI-3, this is a designation of --

19 MS. SHAPIRO: I don't intend to use that right now.  
20 But it is a certified designation, so even if we were going to  
21 use it, it wouldn't be an issue.

22 THE COURT: So you are withdrawing it for now?

23 MS. SHAPIRO: Yes.

24 THE COURT: And then what about GOI-1? Are you  
25 wanting to get into that?

1 MS. CADEDDU: Judge, if it is the one you just said  
2 you are withdrawing for now, if in fact the Government decides  
3 to use it at some point, we would like the opportunity to  
4 object to that because we do have objections.

5 MS. SHAPIRO: GOI-1 is already admitted.

6 MS. DUNCAN: That was played during Doctor Levitt's  
7 testimony.

8 THE COURT: And then we have got the pictures and  
9 demonstratives that go with it?

10 MS. SHAPIRO: And Demonstrative No. 10 I think they  
11 objected to, but again, that is a demonstrative that shows the  
12 type of material that this expert relies on. And also it  
13 shows sort of his enhanced credentials as an expert because he  
14 is able from his house to see Hamas television, which not  
15 every academic in this field can do. And this is an example  
16 of a school ceremony and an institution that Holy Land  
17 supported that he himself downloaded from al-Aqsa TV. And we  
18 are only admitting it as a demonstrative to show the type of  
19 material that he relies on to form his opinion.

20 MS. DUNCAN: Your Honor, I would say -- I mean, it  
21 is one thing to say, "I live close enough to be able to watch  
22 Hamas programs on TV." It is another thing to admit this kind  
23 of a video, particularly given that we have already got a  
24 kindergarten video in evidence that Doctor Levitt testified is  
25 representative of Hamas controlled schools.

1           And because it is being offered to illustrate this  
2       expert's testimony, as we argued in the motion, the balancing  
3       of probative versus prejudice is flipped, and that the  
4       probative value for the purposes of illustrating his testimony  
5       has to substantially outweigh the prejudice.

6           And given the contents of the video, I mean, it is an  
7       extremely prejudicial and disturbing video, and that limited  
8       probative value that counsel has outlined does not  
9       substantially outweigh the prejudice.

10           MS. CADEDDU:   And it is from 2007.

11           MS. HOLLANDER:   Holy Land stopped giving money to  
12       this institution in 1994, and this is a video from 2007.   Holy  
13       Land closed in 2001.   The political climate changed  
14       drastically, too.   It just has nothing to do with the Holy  
15       Land.

16           MS. DUNCAN:   The concern we have also, Your Honor,  
17       is that because there is some evidence of the Islamic Center,  
18       that the jury will be confused by this and think that somehow  
19       it pertains to conduct in this period up to 1994, when it  
20       clearly doesn't.   I mean, because of the change in the  
21       political climate and just the passage of time.   So there is  
22       no evidence that any program Holy Land funded works like this.

23           MS. HOLLANDER:   And it is not in the indictment.

24           MS. SHAPIRO:   That is not true.   And Holy Land  
25       funded the Islamic Society through 2001, which is where the

1 first video, GOI-1 came from. So in fact Holy Land was  
2 funding institutions that ran exactly these kind of schools.

3 And whether or not Doctor Levitt relied on GOI-1 to show  
4 the types of things he relied on, every expert this has be  
5 evaluated differently and this expert has this material to  
6 show the kinds of things he relies on, and that he has access  
7 to al-Aqsa TV.

8 And he will also talk about the Islamic Center from its  
9 beginning and all the way to the present. And the Holy Land  
10 Foundation did give money to that center. It is part of its  
11 plan.

12 And we also heard testimony about after 1995 there was a  
13 concerted effort by Holy Land to conceal its money going into  
14 these --

15 THE COURT: What about the fact this ceremony is  
16 from 2007?

17 MS. SHAPIRO: I don't think that matters, because  
18 these have been a continuous run of the way that Hamas runs  
19 its schools, and this is illustrative of the kind of  
20 educational programs that Hamas runs.

21 THE COURT: Anything else on that?

22 MR. DRATEL: Let me just say, there is a 13-year  
23 span between the last Holy Land payment to this organization  
24 and the date of the video. None of the payments from Holy  
25 Land to this organization come within the designation

1 framework, so it wouldn't be a crime anyway. Even if that --  
2 Even if it was in '94, even if they had these programs in '94,  
3 it still wouldn't be a crime.

4 If someone wanted to give money to an organization in  
5 1994, and now they are showing what the platform is in 2007,  
6 when it is not even a crime in '94, just it is a potential for  
7 confusion, particularly in light of what they put in through  
8 Doctor Levitt, which is another kindergarten video from  
9 another place, and the jury is going to have to distinguish  
10 between them and the time frame.

11 When you look at the probative value next to that, it  
12 can't meet the 703 standards of substantially outweighing the  
13 prejudice.

14 MS. SHAPIRO: We are not admitting this, just to be  
15 clear. We are just showing it as a demonstrative.

16 MS. DUNCAN: Your Honor, although the experts are  
17 clearly different people, my understanding is that Avi also  
18 relied on GOI-1, which is the video that is already in  
19 evidence that was played by Doctor Levitt's testimony.

20 So, you know, I mean, given that the video, the jury has  
21 seen it, and Avi relied on it, the probative value of  
22 Demonstrative No. 10 is not there.

23 THE COURT: I am going to overrule the objection. I  
24 think it does go to an issue that is in the case that the jury  
25 is having to deal with, and they will understand the

1 difference that you have been explaining here as far as the  
2 different ceremonies, the time frame. You can argue that to  
3 the jury and the jury can sort through all that.

4 MS. CADEDDU: Your Honor, I just -- What was the  
5 issue that it goes to? I am just trying to clarify the  
6 Court's ruling for myself--that it goes to an issue in the  
7 case?

8 THE COURT: The issue about Hamas and what they do  
9 and what they stand for, and the issues that have been  
10 explored here with the jury, versus just charity and those  
11 kinds of things.

12 MS. CADEDDU: Okay.

13 MS. HOLLANDER: We would ask for a limiting  
14 instruction as to every one of these 703 issues  
15 contemporaneously when they come in.

16 MS. DUNCAN: Let me clarify. The videos are not  
17 being offered under 703. Is that correct?

18 MS. SHAPIRO: It is being shown as a demonstrative,  
19 and it won't go back to the jury.

20 MS. DUNCAN: We will be asking for a demonstrative  
21 instruction. I just wanted to clarify that.

22 THE COURT: We will give a demonstrative instruction  
23 in the Court's charge to the jury at the end.

24 MS. HOLLANDER: I am asking for both.

25 THE COURT: I understand that, but I am telling you

1       what I am going to do.

2               MS. HOLLANDER: Right. I just wanted to be clear  
3       what I was asking for.

4               THE COURT: The record is clear on that. I don't  
5       need to hear it three times.

6               Anything else on Avi?

7               MS. SHAPIRO: You have the pictures and the posters.

8               THE COURT: Yes. And I think those are subject to  
9       -- As long use can lay the predicate, I think you get those  
10      in, as long use lay the predicate.

11              Anything else?

12              MR. JONAS: One real quick housekeeping matter on  
13      Agent Burns' redirect.

14              During Ms. Hollander's cross she asked Agent Burns about  
15      this particular transaction, the Islamic Society of Gaza.  
16      Agent Burns said that this was a typo, and in fact it is in a  
17      typo. So I am going to question her about it, but I just  
18      wanted to move in the -- replace the last page, page 3 of the  
19      exhibit Payments to Islamic Society of Gaza. It should be  
20      reflecting HLF Foreign Account 6, not 4.

21              MS. HOLLANDER: Your Honor, I would request that  
22      since I questioned her and part of my questioning is that  
23      these were not accurate, that they move this in as a new  
24      exhibit. They can call it A or B or whatever, but the  
25      exhibits that are there should stay there.



1           MR. JONAS: We object to that. It is one  
2 transaction that Agent Burns said was a typo, and in fact it  
3 is a typo. And in fact Ms. Hollander questioned her about her  
4 second transaction, and she incorrectly has identified it,  
5 assuming you are talking about the second transaction as being  
6 a mistake and inaccurate, it wasn't inaccurate. Ms. Hollander  
7 didn't go to the correct page that is listed in that  
8 transaction, which I may or may not do with Agent Burns.

9           MS. HOLLANDER: I didn't say this was inaccurate. I  
10 said this one was inaccurate. That was the only one I said  
11 was inaccurate. And Your Honor, it was inaccurate. And, I  
12 mean, that is an issue for us, that these summaries are not  
13 accurate. And they can question her, and I would request that  
14 they just put in a second one and not change things that are  
15 in evidence.

16           MR. JONAS: We object. We don't think there is a  
17 need for that.

18           THE COURT: Well, except that it was in evidence,  
19 and it was in evidence in that form, and she questioned her on  
20 that, so I think that probably would be the better practice in  
21 this one. Just label it as A, and that way they will have  
22 that.

23           MR. JONAS: Okay.

24           THE COURT: Because they did question the witness on  
25 that.

1 MS. CADEDDU: And I know we are holding the jury up,  
2 but I just wanted to mention, the Court has probably seen -- I  
3 filed two *Daubert* motions yesterday. And so we need to take  
4 -- I mean, this is obviously the week we are putting on our  
5 case, and these are coming five months after the motions  
6 deadline, so we need to address those I think in pretty short  
7 order. So I don't know when the Court wants to address that.

8 THE COURT: We will get to those before you start  
9 your case. Or before you put them on, just let me know at  
10 some point and we will discuss --

11 MS. CADEDDU: Are you going to need us to file  
12 written responses?

13 THE COURT: It is up to you.

14 MS. CADEDDU: What concerns me about this is, of  
15 course, they are coming five months after the deadline.

16 THE COURT: A lot of things have been filed late  
17 every day in this case as we start. Go have a seat.

18 (The following was had in the presence and hearing  
19 of the jury.)

20 THE COURT: Go ahead and bring in the jury.

21 (Whereupon, the jury entered the courtroom.)

22 THE COURT: Ladies and gentlemen of the jury, good  
23 morning. We are ready to proceed.

24 Mr. Mysliwiec?

25 Q. (BY MR. MYSLIWIEC) Good morning, Agent Burns.

1 A. Good morning.

2 Q. Let's just briefly go back to InfoCom Search No. 26,  
3 which was that video clip that I think we ended with on  
4 Thursday afternoon. All right?

5 A. Okay.

6 Q. This was the one that cut off as the person on the video  
7 is saying a sentence, and it seemed to cut off about halfway  
8 through that sentence.

9 MR. MYSLIWIEC: Could we play InfoCom No. 26, Clip  
10 A, and then freeze it at the end?

11 (Whereupon, InfoCom Search No. 26, Clip A was  
12 played, while questions were propounded.)

13 Q. (BY MR. MYSLIWIEC) So the sentence ends with the word  
14 "but," "and there are some brothers that do not belong to any  
15 movement, but," dot dot dot. Over the weekend Mr. Jonas and I  
16 agreed on the translation for the rest of that sentence.  
17 Okay?

18 A. Okay.

19 MR. MYSLIWIEC: Could I have the elmo?

20 Q. (BY MR. MYSLIWIEC) And this is the rest of the sentence.  
21 "And some brothers did not belong to any group, but they got  
22 used to praying at the mosque, and they grow their beards, so  
23 they arrested them. We consider this probably an assault, not  
24 just on the land of Palestine, but on all Muslims worldwide."

25 Let's move on to Demonstrative No. 32, which is this

1 board that the Government had prepared and is an exhibit for  
2 the Government.

3 What I have here on the screen is the same demonstrative  
4 Okay? Except I have merely highlighted these three names at  
5 the bottom who you and Mr. Jonas discussed and the last name  
6 up at the top left hand corner which we will get to. All  
7 right?

8 A. Okay.

9 Q. So this demonstrative involves information regarding  
10 HLF's alleged support for the families of martyrs. Right?

11 A. That is correct.

12 Q. And specifically martyrs relating to the al-Ibrahimi  
13 massacre or around the time of the al-Ibrahimi massacre.  
14 Right?

15 A. Correct.

16 Q. Now, on the left side of this demonstrative, just to  
17 reorient the jury from last week, is a summary of information  
18 that comes from InfoCom Search No. 100 which, are those  
19 payment vouchers. Right?

20 A. Correct.

21 Q. And those payment vouchers on the face of the document  
22 connect to martyrs. Right?

23 A. That is correct.

24 Q. Okay. And according to what the payment vouchers say,  
25 these martyrs were connected to the al-Ibrahimi mosque

1 massacre.

2 A. That is correct.

3 Q. Mr. Jonas compared those names to a U.N. report which we  
4 also saw on Thursday, and that U.N. report is of the committee  
5 to investigate Israeli practices affecting the human rights of  
6 the Palestinian people and other Arabs of the occupied  
7 territories. Correct?

8 A. Right.

9 Q. And you discussed with Mr. Jonas that three of the names  
10 of martyrs from the payment vouchers were not people actually  
11 killed at the Ibrahimi mosque. Right?

12 A. I think we discussed two of the ones that weren't.

13 Q. Okay. But also the three names here that are on the  
14 lower right hand corner come from this U.N. report. Right?

15 A. That is correct.

16 Q. And they are names of people who were killed  
17 approximately a month after the massacre. Right?

18 A. That is correct.

19 Q. And two of those names are part of InfoCom No. 100 but  
20 weren't actually killed at the massacre itself.

21 A. That is correct.

22 Q. Okay. Now, in the U.N. report, just so the jury is  
23 clear, the top part of your right hand column, February 25th,  
24 1994 is on one page of that U.N. report, and then the three  
25 names from March 23rd appear in the report three or four pages

1 later. Right?

2 A. It is later in the report. I can't remember how many  
3 pages are in between.

4 Q. And the jury will have that exhibit and they can look at  
5 that.

6 A. Right.

7 Q. Now, according to the U.N. report, these three were  
8 reportedly leaders, the three I am talking about now in the  
9 lower right hand corner were reportedly leaders of Hamas in  
10 the West Bank. Right?

11 A. Correct.

12 Q. Let's look at other martyrs who died around the time of  
13 the mosque massacre and whose family, according to documents,  
14 the HLF supported.

15 Now, we have here on the top left another person who is  
16 identified in InfoCom Search No. 100, and that is the top left  
17 there as well, but I will zoom in a bit. Osama Mohamed Ghazal  
18 al-Masri. Correct?

19 A. Correct.

20 Q. And you have a version of that U.N. report up there as  
21 Defense Exhibit No. 1349. Right?

22 A. I do.

23 Q. And he appears he was a martyr identified by the  
24 committee that put together the payment vouchers. He was  
25 identified as a martyr associated with the mosque massacre.

1 Right?

2 A. Well, he was on that paperwork, but just to be clear  
3 again, that paperwork was included with the final project  
4 report from the Islamic Charitable Society of Hebron, so I  
5 don't know if the Islamic Charitable Society of Hebron created  
6 that paperwork or who did. But he was listed as an Ibrahimi  
7 mosque massacre victim within those payment vouchers.

8 Q. And the payment vouchers have in the upper left hand  
9 corner that it is the committee for the families of the  
10 Ibrahimi sanctuary massacre. Right?

11 A. That is correct.

12 Q. Okay. Now, as you can tell, and the jury can look at  
13 this report themselves, but just to move things along, on page  
14 22 halfway down of the U.N. report, that is where this man's  
15 name appears. Right?

16 A. That is correct.

17 Q. And it indicates that he died on March 2nd, 1994 about a  
18 week after the massacre. Right.

19 A. That is correct.

20 Q. According to the U.N. report, he died after being fatally  
21 wounded during clashes that erupted in Hebron after the curfew  
22 was lifted in the city. Right?

23 A. That is what it says.

24 Q. And the report doesn't describe Mr. Ghazal as a member of  
25 Hamas or any other organization. Right?

1 A. It does not.

2 Q. Not in the report. According to InfoCom -- Well, now, I  
3 will rephrase that question. Exhibit No. 1394, Defense  
4 Exhibit No. 1394 contains some additional names. That is, the  
5 U.N. report you are looking at contains some additional names  
6 that were in the Government's version of this document.  
7 Right?

8 A. Correct.

9 Q. We are not going to go through all the names, but these  
10 are the names of people who we have described, according to  
11 the two documents in evidence, InfoCom Search No. 90 and  
12 InfoCom Search No. 100, these are people whose families the  
13 HLF supported or were identified as people connected to the  
14 Ibrahimi mosque massacre. Right?

15 A. That is a little bit of a complicated question, so let me  
16 break it down. In InfoCom No. 90 there is a list from  
17 al-Salah Society of individuals that it calls martyrs and says  
18 who fell in Gaza following the Hebron massacre. So that would  
19 be, you know, in a separate part of the territories in Gaza a  
20 as opposed to in Hebron and around the time.

21 Q. Okay.

22 A. But this InfoCom No. 09 does not show that the HLF  
23 actually supported them. It just shows a list of them. It  
24 just --

25 Q. It lists people and it associates them with the Ibrahimi



1 massacre. Right?

2 A. Correct.

3 MR. MYSLIWIEC: Can we pull up InfoCom Search No. 90  
4 for a moment and go to page 6? And if we can highlight the  
5 paragraph, just the top paragraph part there.

6 Q. (BY MR. MYSLIWIEC) And this is where it says that -- It  
7 says, "We also attach for you a list containing the names of  
8 the martyrs who fell in the Gaza Sector following the Hebron  
9 massacre," and it gives a date and a sic in brackets, which  
10 means that it is a misstatement of the date on this  
11 formulation. But it is meant to mean February 25th, 1994,  
12 which is when the massacre was. Correct?

13 A. Correct.

14 Q. Now, also in Defense Exhibit No. 1394 let's go to page  
15 24.

16 MR. MYSLIWIEC: And if I could have the elmo.

17 Q. (BY MR. MYSLIWIEC) As I said, we are not going to go  
18 through all the names, but just to provide some additional  
19 information.

20 Now, I am going to zoom in in a moment, but this is the  
21 page where these three names on the bottom right hand corner  
22 came from.

23 A. Yes. That is correct.

24 Q. Okay. And then the U.N. report gives its description of  
25 the reason for their death. Right?

1 A. It does. It says remarks.

2 Q. Okay. And that is where it contains this information  
3 about the three being reportedly leaders of Hamas in the West  
4 Bank. Right?

5 A. Correct.

6 Q. Now, also on this page are six additional names. Right?

7 A. Correct.

8 Q. And these are names of people who were killed about five  
9 days, reportedly killed five days after these other three  
10 purported Hamas leaders. Right?

11 A. Correct; march 28th, 1994.

12 Q. And this is a description of who these six people are.  
13 Right? According to the report?

14 A. According to the report, yes.

15 Q. And can you read the remarks section? I am going to try  
16 to do this in a way that the jury can follow along. Could you  
17 read that remarks section?

18 A. It says, "The six members of the Fatah Hawks were killed  
19 by an undercover IDF patrol in the Jabalia refugee camp,  
20 although they were not on the wanted list. According to the  
21 Palestinian eyewitnesses quoted in the Jerusalem Times, the  
22 men were wearing uniforms and distributing leaflets and did  
23 not shoot. According to B'tselem, undercover soldiers shot to  
24 kill and did not act in self-defense. No warning shots were  
25 reportedly fired into the air. One of the men was initially

1     only wounded and reportedly tried to escape, but was  
2     subsequently shot in the head at point blank range. According  
3     to the version of the IDF, an IDF unit identified suspected  
4     terrorists dressed in fatigues, some of whom were marked and  
5     armed with two Kalashnikov assault rifles and two pistols.  
6     The soldiers fired at these persons who were inside two parked  
7     cars, and killed them after they had opened fire on the  
8     patrol."

9     Q.    Okay. Now, I am going to take you to another exhibit in  
10    just a moment, but again, those six people were also killed  
11    roughly a month after the Ibrahimi massacre. Right?

12   A.    Correct.

13   Q.    Okay. Except they were identified with Fatah instead of  
14     Hamas. Right?

15   A.    In this report.

16   Q.    Yes. Let's go to Defense Exhibit No. 1414. Now, you had  
17    a chance to review this before you got on the stand this  
18    morning. Right?

19   A.    I did.

20   Q.    Okay. Can you read off what the title of the exhibit is?

21   A.    It says, "Martyrs killed in Ibrahimi mosque massacre and  
22    aftermath supported by the Holy Land Foundation in 1994." And  
23    then it says sources of information, and it lists the  
24    Government and Defense exhibits.

25   Q.    And this is compiled based on two source -- well, three

1 sources of information. The first source of information is  
2 that list that we just looked at and InfoCom Search No. 90 of  
3 people that the al-Salah Society identified as being connected  
4 to the Ibrahimi mosque massacre.

5 A. The aftermath.

6 Q. That is No. 1. The second source of information is  
7 InfoCom Search No. 100, which is those payment vouchers.  
8 Right?

9 A. Correct.

10 Q. And then after the names from there have been assembled,  
11 they are compared to the U.N. report document, Defense Exhibit  
12 No. 1349. Correct?

13 A. Correct.

14 Q. And only the names that appear in that U.N. report and  
15 also appear in InfoCom Search No. Or 100 then appear on this  
16 summary exhibit. Right?

17 A. That is correct.

18 Q. Okay. And one of the things the U.N report does, as we  
19 just went through it, is it has that remarks column and  
20 describes what happened about the death of these people in  
21 certain ways. And sometimes it provides two versions of it or  
22 one version of it, but that information then leads to the  
23 description of each column at the top. Right?

24 A. That is correct.

25 Q. Okay. So, for example, six people are from Fatah.

1 Right?

2 A. Right. Those were the ones referenced in the little  
3 paragraph that we just looked at.

4 Q. Exactly. Then there are also six people who have been  
5 purportedly connected to Hamas, according to that U.N. report.  
6 Right?

7 A. That is correct.

8 Q. Okay. And then in the next column is the Ibrahimi mosque  
9 massacre victims. Right?

10 A. Correct.

11 Q. And that identifies 18 people.

12 A. Yes.

13 Q. And then the final column is killed in the Ibrahimi  
14 aftermath, and that identifies two people. Right?

15 A. It does.

16 Q. The three of those people were purportedly involved in  
17 violent acts. Right?

18 A. According to the report.

19 Q. And nine people are other victims killed in one fashion  
20 or another. Right?

21 A. Correct.

22 MR. MYSLIWIEC: I have no further questions, Your  
23 Honor. Pass the witness.

24 THE COURT: Ms. Cadeddu?

25 MS. CADEDDU: On behalf of Mr. Abdulqader, I have no

1 questions for this witness.

2 THE COURT: Mr. Jonas?

3 MR. JONAS: Yes, sir.

4 REDIRECT EXAMINATION

5 By Mr. Jonas:

6 Q. Good morning, Agent Burns.

7 A. Good morning.

8 Q. I know you have been on the stand for a long time, but I  
9 think the light is at the end of the tunnel.

10 A. I hope so.

11 Q. I want to just quickly start with where you just left off  
12 on InfoCom Search No. 90 and InfoCom Search No. 100. What is  
13 the difference between those two exhibits?

14 A. InfoCom Search No. 100 dealt with payment vouchers of  
15 individuals who, according to the vouchers, actually received  
16 money from the HLF and under a project called the Ibrahimi  
17 mosque massacre victims. InfoCom Search No. 90 is an exhibit  
18 which contains correspondence from al-Salah Society with a  
19 list of names of individuals who died in fighting after the  
20 mosque massacre.

21 Q. The two individuals -- And since the demonstrative is up,  
22 I will use it as a reference. The two individuals paid out of  
23 InfoCom Search No. That have been identified as having died  
24 afterwards, is there anything in the payment vouchers in  
25 InfoCom Search No. 100 that shows that they died afterwards,

1 just the way InfoCom Search No. 90 describes those people?

2 A. No. On the paperwork itself it lumps them in with the  
3 other victims of the Ibrahimi mosque massacre.

4 Q. Okay. Moving on, do you recall Ms. Hollander asked you  
5 about some of the financial schedules?

6 A. I do.

7 MR. JONAS: If we can put Payments to al-Salah  
8 Association on the screen, please. The last page of that  
9 exhibit, please.

10 Q. (BY MR. JONAS) Ms. Hollander questioned you about the  
11 last transaction. Do you see that?

12 A. I do.

13 Q. Do you recall those questions that she asked you?

14 A. I do.

15 Q. All right. And if I recall correctly, she talked to you  
16 about HLF Foreign Account No. 2 and questioned you about where  
17 this transaction was found within that paperwork.

18 A. Yes.

19 Q. All right. Do you see on the right hand column where it  
20 says exhibit number, and there is several exhibits that  
21 support this particular transaction?

22 A. Yes.

23 Q. Generally speaking, why would there be multiple exhibits  
24 supporting a transaction?

25 A. Well, depending on the type of transaction, we may need

1 to look at several different pieces of paper to understand  
2 where the money was going or for what the money was going.

3 Q. Did you see instances where a transaction was sent to one  
4 committee and then further distributed out to others?

5 A. Yes.

6 Q. Did you see instances where transactions went from HLF  
7 Dallas to HLF Gaza, or some place in the West Bank, and then  
8 were further distributed out?

9 A. Yes.

10 Q. Is this one of those instances?

11 A. It is.

12 Q. Do you see where it says -- Do you see where it says HLF  
13 Search No. 48, page 1 to 3?

14 A. I do.

15 MR. JONAS: If we can go to that exhibit, please,  
16 HLF Search No. 48, specifically page 2.

17 Q. (BY MR. JONAS) Did you see the letterhead that this  
18 document was on?

19 A. Holy Land Foundation.

20 Q. Do you see where it says the number 1722?

21 A. I do.

22 MR. JONAS: If we can turn to the third page.

23 Q. (BY MR. JONAS) What does that translate to?

24 A. Al-Salah Society families, 15 families, \$1722.

25 Q. Is that the same amount in that last transaction on these



1 schedule payments to al-Salah Association?

2 A. Yes.

3 Q. So that transaction is on your schedule. Is that  
4 correct?

5 A. It is.

6 Q. If we can go to move on to a second transaction she  
7 questioned you about, which was Payments to Islamic  
8 Society/Islamic Association.

9 MR. JONAS: If we can put that schedule on the  
10 screen. Go to the last page, please, page 3.

11 Q. (BY MR. JONAS) Do you see the second transaction from  
12 the bottom dated July 7, 2001?

13 A. I do.

14 Q. Do you recall she asked you questions regarding that  
15 particular transaction?

16 A. Yes.

17 Q. And I don't recall if she pulled up the actual exhibit or  
18 not, HLF Foreign Account No. 4. She may have. And do you  
19 recall you said it could be a typo?

20 A. I believe that we did look at it and I thought there  
21 might be a typo there.

22 Q. And it currently says HLF Foreign Account No. 4, page 132  
23 to 133?

24 A. It does.

25 MR. JONAS: If we can pull up HLF Foreign Account

1 No. 6, page 132, please.

2 THE WITNESS: I think this is just the Arabic. The  
3 translation may be on the next page.

4 Q. (BY MR. JONAS) Is this the translation for this page?

5 A. It is.

6 Q. This is page 133, as per the schedule. Is this now the  
7 transaction dated July 7th, 2001 for \$3,000 to the Islamic  
8 Society of Gaza?

9 A. It is.

10 Q. All right. So the schedule itself, that is a typo?

11 A. It is. It should have been HLF Foreign Account No. 6, I  
12 believe you said this was.

13 MR. JONAS: Your Honor, pursuant to the discussion  
14 earlier, I am going to offer into evidence a substituted or an  
15 additional page for this schedule, and we will call that third  
16 page Payments to Islamic Society/Islamic Association of  
17 Gaza A.

18 THE COURT: Counsel?

19 MS. HOLLANDER: No objection.

20 THE COURT: That is admitted.

21 Q. (BY MR. JONAS) Did Ms. Hollander show you any other  
22 transactions that you recall?

23 A. I don't recall.

24 Q. Okay. Do you recall if there were any other ones where  
25 there may have been a typo?

1 A. I can't remember.

2 Q. That was it?

3 A. I think so.

4 Q. Okay. Mr. Westfall also went through some transactions  
5 with you, and I am not going to go through them but I just  
6 want to ask you a general question. Did you come across  
7 transactions where in the internal HLF paperwork there was a  
8 wire transfer but it didn't match up exactly with the wire  
9 transfer through the bank account?

10 A. Yes. I did come across transactions where the internal  
11 paperwork showed that money was being sent from the HLF  
12 offices here to the HLF bank accounts in the territories, and  
13 that it was supposed to be disbursed in a certain manner to  
14 various entities. And when I looked at the foreign bank  
15 records there were instances, not always, but there were  
16 instances where the amounts did not always correlate.

17 Q. Let me ask you, you didn't quite understand my question  
18 and I apologize for that. Were there instances where a wire  
19 transfer coming from the domestic bank records from the Holy  
20 Land Foundation was much larger than one particular piece of  
21 paper indicating a wire transfer to that same organization  
22 overseas?

23 A. Okay. I am sorry. I did misunderstand your question.

24 Q. Do you understand my question now? I am trying to be  
25 vague, but I don't want to lead. Can you explain that?

1     A.    If I am understanding your question, and I apologize if I  
2     am not, often there would be large wire transactions from the  
3     bank account here to the bank account there, and there would  
4     be a number of different wire transfer requests I guess in  
5     different amounts that if you take them together and add them  
6     up and they are supposed to equal the total amount of money  
7     going over on that particular day.

8     Q.    You did understand my question.  So if one looks at a  
9     particular transaction and sees a wire transfer, an internal  
10    HLF wire transfer request and the amount is lower than what is  
11    on the schedule, what would they have to do to reconcile the  
12    other two?

13    A.    Look at the other supporting paperwork and put them  
14    together.

15    Q.    Total them up?

16    A.    Right.

17    Q.    Okay.  I am moving on now, and I am hitting a couple of  
18    things that the Defense attorneys asked you.  I am not going  
19    to go over everything they questioned you about.

20    A.    Okay.

21    Q.    Ms. Moreno played for you part of a video, HLF Search  
22    No. 110, and she questioned you about it regarding an  
23    ambulance driver.  Do you recall that?

24    A.    I do.

25    Q.    What I would like to do -- Withdrawn.  Did we play any of

1     that video with you when I questioned you on your direct  
2     testimony?

3     A.    No.

4     Q.    Let's do that now.

5     A.    Okay.

6                 MR. JONAS:   If we can play Clips A and B for HLF  
7     Search No. 110.

8                 (Whereupon, HLF Search No. 110, Clips A and B, were  
9     played, while questions were propounded.)

10    Q.    (BY MR. JONAS)   Agent Burns, who was the individual  
11    questioning her, that woman in that second clip, if you know?

12    A.    That was the Holy Land Foundation's Gaza office  
13    representative at that time Mohamed Muharam.   That would have  
14    been October 2000 and afterwards.

15    Q.    And was he the same individual in the first clip?

16    A.    Yes.

17    Q.    And how much food did this woman ask for from him?

18    A.    In that clip, nothing.

19    Q.    Backpacks?

20    A.    No.

21    Q.    Agent Burns, I want to move on to another line of  
22    questioning from another Defense counsel.

23                 I believe Ms. Hollander questioned you about Ashqar  
24    Search No. 5.   And I have the exhibits up here if you need to  
25    take a look at them.

1                   MR. JONAS: Your Honor, may I approach to hand Agent  
2 Burns the exhibits?

3                   THE COURT: Yes.

4                   MR. JONAS: If we can put Ashqar Search No. 5 on the  
5 screen, please.

6 Q.     (BY MR. JONAS) What is the first page of the English,  
7 Agent Burns?

8 A.     Page 14.

9 Q.     Agent Burns, Ms. Hollander went through this document  
10 with you and it talked about the Muslim Brotherhood taking  
11 care of the social wing and Hamas taking care of other  
12 matters. Correct?

13 A.     Correct.

14 Q.     All right. If this divides -- Why did you consider this  
15 document as part of your investigation?

16 A.     Because, as I said, when we talked about this document  
17 initially, this is from the very early years of the Hamas  
18 creation, and it discusses the progression of Hamas in the  
19 territories to include their influence and control over the  
20 social and charitable organizations. And in the beginning, it  
21 actually says you can look in the first paragraph and it talks  
22 about, even before the title, it says, "A jihad in your path  
23 in order to liberate the best of the blessed regions." In  
24 this document it discusses how to go about achieving that goal  
25 in the territories.

1           In Gaza and the West Bank, prior to the out break of the  
2       first Intifada in December of 1987, the Muslim Brotherhood --

3           MS. HOLLANDER: Your Honor, I am going to object.  
4       First of all, she is not an expert. Second of all, this is a  
5       narrative. There is no question on the floor.

6           THE COURT: Overruled. Go ahead.

7           THE WITNESS: Sheikh Ahmed Yassin led the Muslim  
8       Brotherhood in the territories, and had established--and this  
9       is according to the documents that we have looked at,  
10      including this one; many of the documents we talked about in  
11      my first testimony--had established a significant  
12      infrastructure, social infrastructure in Gaza and the West  
13      Bank.

14          With the outbreak of the Intifada, Sheikh Ahmed Yassin,  
15      the leader of the Muslim Brotherhood in the Palestinian  
16      territories, and other leaders of the Muslim Brotherhood in  
17      the territories, created Hamas. They began to use immediately  
18      the existing Muslim Brotherhood social infrastructure to  
19      achieve Hamas' goals. That is why this paperwork is  
20      important. Individuals like Sheikh Ahmed Yassin, who on day  
21      one were identified as Hamas, were exposed individuals, and  
22      you will see countless references to exposed individuals and  
23      how they could cause danger to the societies.

24          If you will recall, in the Philadelphia meeting they  
25      talked about how they had problems with the organizations that

1     were run by exposed people, and Sheikh Ahmed Yassin was one of  
2     those people.

3             So this is a breakdown of basically how Hamas was going  
4     to a chief its goals in the territories using that existing  
5     Muslim Brotherhood infrastructure.

6             Ms. Hollander asked me if there was a difference, or  
7     referred to a difference between the Muslim Brotherhood and  
8     Hamas in the territories at this time, and there was the same  
9     goal. It was the same -- There was no distinction at this  
10    point between the two.

11    Q.     (BY MR. JONAS) Mr. Westfall went through with you the  
12    zakat summary schedules. Do you recall that?

13    A.     I do.

14    Q.     And he specifically said, and some of the other Defense  
15    attorneys said this as well, that the Islamic Center of Gaza,  
16    Islamic Relief Committee, Islamic Society of Gaza, and  
17    al-Salah Society are not part of the indictment. Do you  
18    recall that?

19    A.     I do recall that.

20    Q.     Mr. Westfall put those particular summary schedules aside  
21    and didn't ask you any questions about the individual members.  
22    Do you recall that?

23    A.     I do.

24    Q.     Okay. Why is it, then, important to your investigation,  
25    why have you testified about is Islamic Center of Gaza,



1 Islamic Relief Society, Islamic Society of Gaza, and al-Salah?

2 A. Because those entities, through evidence that we have  
3 discussed, were controlled by Hamas, and the Holy Land  
4 Foundation did give to those entities, and was affiliated with  
5 the individuals that were identified, according to the  
6 evidence, who are also Hamas leaders.

7 So in looking at the big picture, it was very important  
8 to see what the Holy Land Foundation was doing, with whom it  
9 was associating, and who it was sending its money. As we  
10 discussed, when the HLF was first created, the primary  
11 recipient of the money was the Islamic Center of Gaza, the  
12 Hamas institution that was founded by Sheikh Ahmed Yassin when  
13 he was still a leader of the Muslim Brotherhood.

14 Q. You are familiar with the indictment?

15 A. I am.

16 Q. Does the indictment represent every single payment that  
17 the HLF made to a Hamas institution?

18 A. No, it does not.

19 Q. Mr. Westfall also went through the individuals -- On the  
20 schedules that he covered with you that are in the indictment,  
21 he went through the individuals on your summary schedule and  
22 he checked off and read those that you testified are Hamas,  
23 based upon the search warrant evidence. Do you recall that?

24 A. I do.

25 Q. Okay. Did he go through every single column on your

1 schedule?

2 A. No.

3 Q. What did he miss?

4 A. The general committee.

5 Q. Was there evidence that you testified about that is in  
6 this case that refers to or discusses the general  
7 committees--I say the general committees; I mean the  
8 committees, not the individuals--as being Hamas?

9 A. Yes.

10 Q. All right. And you should have before you Elbarasse  
11 Search No. 22.

12 A. I do.

13 MR. JONAS: If we can put that on the screen,  
14 please.

15 Q. (BY MR. JONAS) What is this document? Remind us.

16 A. This is the letter to the Defendant Shukri Abu Baker that  
17 was found at Ismail Elbarasse's home from July of 1991 that  
18 talks about which committees are theirs.

19 Q. Okay. Ms. Hollander questioned you about this document  
20 as well, and she asked you if the word Hamas is anywhere on  
21 this document. Do you recall that?

22 A. I do.

23 Q. Well, is Hamas anywhere on this particular document?

24 A. The word Hamas is not on this document.

25 Q. If the word Hamas is not on this document, then why have

1     you considered it as part of your investigation?

2     A.     Because this document was from July of 1991, it was a  
3     part of the Palestinian Committee documents. Based on all the  
4     Palestinian Committee documents that we have looked at in this  
5     trial and the Philadelphia meeting, those individuals, the  
6     Palestinian Committee, the HLF, were Hamas. They were  
7     designed to support Hamas. And when this document, which is a  
8     document from those individuals at the same time that we are  
9     watching the videos where these people are praising Hamas  
10    says, "This is ours," to me that is Hamas.

11    Q.     Did you -- Well, what does this say about the Ramallah  
12    zakat committee?

13    A.     "All of it is ours."

14    Q.     What does it say about the Jenin zakat committee?

15    A.     "Guaranteed by virtue of Mohamed Fouad Abu Zeid's  
16    position."

17    Q.     Is Mohamed Abu Zeid on the summary schedule?

18    A.     He was identified in HLF search warrant evidence as a  
19    Hamas leader in Jenin.

20    Q.     What does it say about the Nablus zakat committee?

21    A.     "We have nobody in it. His wife is one of us. We have a  
22    relationship with Haj Yaish."

23    Q.     Do you know who he is?

24    A.     There were actually two Yaishes that were affiliated with  
25    the Nablus zakat committee. One was an older gentleman named

1 Borhan Yaish, and the other was Adly Rifat Yaish. Adly Rifat  
2 Yaish was one of the individuals that we saw in numerous  
3 exhibits, and he was one of the Hamas deportees.

4 Q. What does it say about the Tulkarem zakat committee?

5 A. It says, "We have one, Hajj Haj Aref El Jayoussi,  
6 director of Tulkarem Endowments, and Bilal Khamis, a  
7 supporter. The rest are merchants without an inclination."

8 Q. Do you know who El Jayoussi is?

9 A. I am not familiar with that individual, but I am familiar  
10 with Bilal Khamis.

11 Q. Who is that?

12 A. He is one of the individuals with the Tulkarem zakat  
13 committee we talked about during my second testimony.

14 Q. What does it say about the Qalqilya zakat committee?

15 A. "All of it is ours and it is guaranteed."

16 MR. JONAS: The next page, please?

17 Q. (BY MR. JONAS) And we are just focusing on the zakat  
18 committees that you testified about that you made summary  
19 schedules for.

20 A. Okay.

21 Q. This distinguishes between zakat committees and  
22 charitable organizations. Right?

23 A. It does.

24 Q. What does it say about the Islamic Charitable Society of  
25 Hebron?

1 A. It says, "All of it is ours. It has Adnan Abdel Khalik  
2 Al Natshe and Hashem El Natshe, our people."

3 Q. What does it say about the Sciences and Culture Society?

4 A. It says, "We have three of our people in it."

5 Q. Is that the one that is run by -- Who runs the Islamic  
6 Science and Culture, or who ran it?

7 A. At this time their contact there was Jamil Hamami, the  
8 Hamas leader.

9 Q. And were these zakat committees and charitable  
10 associations discussed in the Philadelphia meeting?

11 A. They were.

12 MR. JONAS: We can go to Philly Meeting No. 13-E,  
13 please, page 2.

14 Q. (BY MR. JONAS) We are not going to read this whole  
15 thing, Agent Burns, but --

16 MR. JONAS: If you can enlarge the bottom half,  
17 please.

18 Q. (BY MR. JONAS) I am just going to ask you about certain  
19 committees. Tell me if you can find where it references those  
20 committees, if it does at all. The Nablus zakat committee?

21 A. Yes. Toward the top it says, "There was relatively old  
22 activity such as Nablus zakat committee in Nablus." It talks  
23 about how many orphans and families it sponsors, and it says,  
24 "But when we speak about it as a zakat committee, we tie it to  
25 us."

1 Q. "The Jenin zakat committee.

2 A. "In Jenin there is a large Islamic school and there is an  
3 orphan center. In Jenin, the zakat committee there has built  
4 a hospital, which is really ours, for the Islamists, either in  
5 management or in teams working in it."

6 MR. JONAS: If we can go to the next page, please.

7 Q. (BY MR. JONAS) We are not going to hit every single one  
8 because you testified about this before, but I wanted to  
9 address what Mr. Westfall questioned you about.

10 MR. JONAS: The bottom of the page 3.

11 Q. (BY MR. JONAS) What does it say about the Ramallah zakat  
12 committee?

13 A. It says, "We could say that the Ramallah zakat committee  
14 is ours, including its management and officers."

15 Q. Moving up a little higher in that page, what does it say  
16 about the Islamic Sciences and Culture Society?

17 A. It says, "the" Islamic Science and Culture Society used  
18 to have a research center, which was the nucleus for a huge  
19 research center until the person in charge of it, sheik Jamil  
20 Hamami, was arrested, and this became an obstacle and a  
21 hindrance for the development of that project. We have a  
22 school and a kindergarten and some orphan sponsorships in that  
23 rejoin.

24 Q. If you will go right where you are, but the top line  
25 where it says "In Jerusalem."

1 A. "In Jerusalem, there remains some organizations,  
2 particularly the Islamic Science and Culture Society, which is  
3 directly counted with us."

4 MR. JONAS: The next page of this exhibit, please.  
5 We will do one more, the top, please.

6 Q. (BY MR. JONAS) What does it say about the Islamic  
7 Charitable Society of Hebron?

8 A. It says, "In Hebron, Hebron is a city, is a place where  
9 we consider that we have a good presence and weight as Islamic  
10 organizations, such as the Islamic Charitable Society, which  
11 was founded in 1962 and which has over 1,000 employees."

12 Q. All of these committees I have asked you about, both with  
13 Elbarasse Search No. 22 and the Philadelphia Meeting No. No.  
14 13, are those all committees that the HLF gave money to?

15 A. Yes.

16 Q. Both before and after Hamas was designated?

17 A. Yes.

18 Q. With regard to Elbarasse Search No. 22, what time period  
19 was that? That is the letter to Shukri we went through a  
20 moment ago.

21 A. July 1991.

22 Q. And the Philadelphia meeting was when?

23 A. October of 1993.

24 Q. Who was running the Palestine Committee at this time?  
25 Who is the head of it, per the Elbarasse documents?

1 A. According to the Elbarasse documents, Hamas leader Mousa  
2 Abu Marzook.

3 Q. And What was his role in Hamas at time?

4 A. He was the political bureau chief, the No. 1 guy  
5 worldwide for Hamas.

6 Q. In the Philadelphia meeting it discussed some of the  
7 committees and when they were formed. I believe it said the  
8 Islamic Charitable Society of Hebron was formed in 1962, if I  
9 remember correctly?

10 A. That is correct.

11 Q. If you recall InfoCom Search No. 28. You don't have that  
12 one in front of you.

13 MR. JONAS: Your Honor, if I may approach and hand  
14 this one to her?

15 THE COURT: Yes.

16 Q. (BY MR. JONAS) And hand some additional exhibits that we  
17 will get to in a moment.

18 A. Thank you.

19 MR. JONAS: And InfoCom Search No. 28, if we can put  
20 that on the screen, please.

21 Q. (BY MR. JONAS) Agent Burns, since I don't have -- I  
22 handed you my copy. What is the first page of the English?

23 A. Page 78 is the first page of the English.

24 Q. Ms. Moreno questioned you about this exhibit. What is it  
25 in this exhibit that is significant?



1 A. The identity or the identification of the various  
2 committees and the HLF's contacts at those committees, and  
3 also some of the committees list out their membership, the day  
4 they were founded, their bank account information.

5 Q. Okay. The date it was founded. Ms. Moreno went through  
6 that with you and questioned you about the date some of these  
7 committees were founded. Do you recall that?

8 A. I do.

9 Q. And many of the ones, according to this document, were  
10 founded prior to the formation of Hamas.

11 A. That is correct.

12 Q. Well, Agent Burns, if these committees were formed prior  
13 to the formation of Hamas, then what is it you testified  
14 about, based upon the exhibits, that indicates that Hamas took  
15 them over?

16 A. Well, according to a number of the exhibits that we  
17 analyzed, there was a study of these committees and the  
18 leadership of these committees, and you can track the exhibits  
19 by date and the progression of the individuals that they had  
20 in control of these committees. Even the ones that  
21 pre-existed the Hamas -- the creation of Hamas, they sought to  
22 control these organizations and place their people in the  
23 management. And that is directly from the exhibits that we  
24 have discussed.

25 Q. And I want to be clear and make a distinction here. You

1 testified that some of these charitable organizations,  
2 including, for example, the Islamic Society of Gaza, were  
3 Muslim Brotherhood organizations at the time of creation.

4 A. That is correct.

5 Q. So are the zakat committees in the West Bank distinctive  
6 from the charitable associations and Societies in Gaza?

7 A. Yes.

8 Q. Can you just explain that, based on the exhibits that we  
9 have seen in evidence here?

10 A. Based upon the exhibits, you can see that Sheikh Ahmed  
11 Yassin was responsible for creating the Islamic Center of  
12 Gaza. Before Hamas was created it was a Muslim Brotherhood  
13 organization. That is even printed in I believe HLF Search  
14 No. 108 and 109 where it discusses the creation of these  
15 organizations originally as Muslim Brotherhood organizations.

16 The zakat committees in the West Bank were a bit  
17 different in that they were charitable committees that were  
18 founded under the waqf that you have heard about, and the  
19 leadership of those committees was not always necessarily  
20 Muslim Brotherhood or not. That is why they were seeking to  
21 gain control of the leadership of those committees as opposed  
22 to the Islamic Center of Gaza and the Islamic Society of Gaza,  
23 which were solid Muslim Brotherhood organizations from the get  
24 go.

25 Q. Okay. You were questioned about some of the documents in

1 the HLF material from these committees that had what appeared  
2 to have PA licensing symbols on them.

3 A. I saw there was the eagle on the letterhead.

4 Q. Okay. When I say PA I mean Palestinian Authority.

5 A. I understand that.

6 Q. And when Mr. Westfall was questioning you about your  
7 summary schedules he questioned you about material taken from  
8 the search warrants.

9 A. That is correct.

10 Q. Is there material that is now in evidence not taken from  
11 the FBI search warrants that discuss the PA's view, the  
12 Palestinian Authority's view of some of these committees?

13 A. Yes.

14 Q. Do you have before you what has been admitted as Exhibit  
15 PA No. 8?

16 A. I do.

17 MR. JONAS: If we can put PA No. 8 on the screen,  
18 please.

19 Your Honor, this is one where we move in the translated  
20 pages of the first two Arabic pages of this exhibit, which is  
21 the cover page and the table of contents. They are not  
22 currently in the exhibit as moved in last week.

23 THE COURT: What is not in that exhibit? The first  
24 two pages.

25 MR. JONAS: The first two pages in Arabic. We

1 translated them, and we seek to add those to this exhibit.

2 THE COURT: So they were not in the exhibit that was  
3 admitted originally?

4 MR. JONAS: Yes, sir.

5 THE COURT: All right. So are you offering those  
6 now?

7 MR. JONAS: Yes, sir.

8 THE COURT: Counsel, any objections to those  
9 additional pages?

10 MS. DUNCAN: Your Honor, we just renew the same  
11 objection to the rest of the document, which is not admissible  
12 under 803(8).

13 THE COURT: Those have been overruled and these  
14 additional pages are admitted.

15 MR. JONAS: Thank you, sir.

16 If we can go to the first English page, please.

17 Q. (BY MR. JONAS) Agent Burns, can you tell us why we are  
18 scrolling through what is the number of the last Arabic page?

19 A. The last Arabic page is page 30.

20 Q. Okay. Agent Burns, do you know where these pages came  
21 from?

22 A. I do.

23 Q. Where?

24 A. They were seized as a part of Operation Defensive Shield.

25 Q. From where?

1 A. From the Palestinian Authority offices.

2 Q. What is the title of this document?

3 A. "Palestinian National Authority general intelligence  
4 Ramallah and al-Bireh Government, security work plan."

5 MR. JONAS: If we can go two more pages, page 33,  
6 and enlarge that.

7 Q. (BY MR. JONAS) Can you read what this says?

8 A. I can. It says, "The committee's office is in Ramallah  
9 al-Bireh Governorate, al-Ramuni Building, near the police  
10 station.

11 "The committee was establish in the seventies and was  
12 under the auspices of the Islamic Endowment Directorate.

13 Dr. Husni Abu- 'Awad chairs the committee, and he is a  
14 pediatrician in Hamas clinics in addition to Darwish al-Zein.

15 Q. Let me pause you. Do you know the name Husni Abu Awad?

16 A. I do.

17 Q. How do you know that name? Withdrawn. Have you  
18 testified about him already?

19 A. Yes.

20 Q. How so?

21 A. As being a leader of the Ramallah zakat committee.

22 Q. And is he on your summary schedule for the Ramallah zakat  
23 committee?

24 A. He is, and so is Darwish al-Zein.

25 Q. Continue reading, please.

1     A.    "The committee's overt objectives is collecting zakat  
2     from wealthy Muslims and distributing it to the poor and the  
3     needy.

4           "The committee has financial relations with several  
5     companies and banks.  The most important are the Arab Bank,  
6     Jordan Bank, Beit al-Mal, Sunqrot Company, and al-'Ajuli for  
7     Currency Exchange."

8     Q.    Let me pause for a moment.  You said you gathered records  
9     of some of these zakat committees from overseas.  Do you  
10    recall, if you recall, whether the Ramallah zakat committee  
11    had an account that you gathered from any of these banks?

12    A.    We did recover or we did obtain some bank records for the  
13    Ramallah zakat committee.  I can't recall.  I believe they  
14    were at the Arab Bank, but I probably need to refresh my  
15    memory on that.

16    Q.    Continue, please.

17           "The committee has relations with the Islamic Movement  
18    inside the green line, as well as the Jerusalem zakat  
19    committee, as it is its founder."

20    Q.    What is the Islamic Movement?

21    A.    In this context the Islamic Movement is a movement inside  
22    of Israel that was affiliated with Hamas.

23    Q.    Continue, please.

24    A.    "In addition to the funds generated from zakat in  
25    charitable contributions, the committee receives fund

1 transfers from numerous Arab and non-Arab countries, most  
2 importantly Kingdom of Saudi Arabia, Kuwait, United Arab  
3 Emirates, and Qatar as such funds are transferred through the  
4 aforementioned banks and companies.

5 "The committee has several branches.

6 "Zakat committee at Ein Barud.

7 "A warehouse in Ramallah in front of the Sharia Court.

8 "A warehouse in the industrial zone, Ramallah.

9 "A center to teach knitting, Ramallah."

10 MR. JONAS: Next page, please.

11 Q. (BY MR. JONAS) What does this say?

12 A. "The most important active members of the zakat committee  
13 in Ramallah and al-Bireh governorate," and then it lists Husni  
14 Mohamed 'Abd-al-Qadir Abu-'Awad.

15 Q. You don't need to read their numbers. And is he on the  
16 schedule?

17 A. It is. It says he is Hamas and committee chairman.

18 Q. The next name?

19 A. Darwish el-Zein.

20 Q. Is he on the schedule?

21 A. He is.

22 Q. What does the Palestinian Authority say about him?

23 A. Hamas.

24 Q. Next name?

25 A. Omar Hamdan.

1 Q. Is he on your schedule?

2 A. He is.

3 Q. What does the Palestinian Authority say about him?

4 A. He is Hamas.

5 Q. And when I say he is on your schedule, did you base your  
6 schedule in identifying who is part of the committee from this  
7 document?

8 A. No.

9 Q. Did you base it upon documents, other documents?

10 A. Search warrant material, wiretaps, videotapes.

11 Q. Okay. The next person?

12 A. 'Aqel Rabi'e.

13 Q. What does it say about him?

14 A. It doesn't say anything.

15 Q. Is he on your schedule?

16 A. No.

17 Q. Next name?

18 A. Nabil Mansur.

19 Q. Is he on your schedule?

20 A. No.

21 Q. What does the Palestinian Authority say about him?

22 A. That he is Hamas.

23 Q. Next name?

24 A. Madhi Mahmoud Ibrahim Muslih.

25 Q. Is he on your schedule?



1 A. No, But Mahmud Musleh his father is.

2 Q. What does it say about him, this individual?

3 A. Hamas. His son is Hamas spokesman.

4 Q. And the last name?

5 A. Excuse me. Mahdi would be Mahmoud Musleh's father.

6 Q. Okay.

7 A. If I stated that correctly.

8 Q. So where it says his son is a Hamas spokesman, is his son  
9 the one that is on the Ramallah schedule?

10 A. Yes, Mahmud Musleh.

11 Q. And the last name?

12 A. Mahmoud al-Romhi.

13 Q. Is he on your schedule?

14 A. Yes.

15 Q. And is he on your schedule for the Ramallah zakat  
16 committee?

17 A. Yes.

18 Q. What does the Palestinian Authority say about a-Romhi?

19 A. Hamas. "His relative was in the committee, was arrested  
20 by us."

21 Q. Would you read the rest of the document?

22 A. "Through our follow-up, it was determined that the  
23 committee transfers funds from overseas to Hamas.

24 "The committee's office in Ramallah was raided and some  
25 documents were seized.

1           "After the arrest of Mahmoud al-Romhi by the other party,  
2           and the actions that were taken against committee activists,  
3           the committee's activities in Hamas diminished.

4           "Follow-up results indicate that the committee is  
5           currently opening medical and social centers in order to  
6           collect funds after the cessation of funds transfers to Hamas.

7           "Our follow-up concludes that the committee does not  
8           constitute a risk at the present time."

9           Q.    Do you know when this document was seized, approximately?

10          A.    The document was seized in I think 2003.

11          Q.    This was after the Holy Land Foundation was closed?

12                MR. DRATEL:  Can we have a date on the document,  
13                Your Honor?

14                MR. JONAS:  If I can first ask my question.

15          Q.    (BY MR. JONAS)  Was this seized after the date the Holy  
16                Land Foundation was closed?

17          A.    Yes.

18          Q.    Are you able to date this document from its contents?

19          A.    The front page says May 22nd, 2000.

20          Q.    Okay.  Was the Holy Land Foundation providing money to  
21                the Ramallah zakat committee prior to that date?

22          A.    Yes.

23                MR. JONAS:  If can with go to PA 9, palestinian  
24                Authority No. 9.

25          Q.    (BY MR. JONAS)  Agent Burns, you should have that

1 document before you.

2 A. I do.

3 Q. Okay. What is the first page of the English?

4 A. Page 2.

5 Q. It is just a two-page document?

6 A. It is.

7 Q. One page Arabic; one page English?

8 A. Yes.

9 Q. Where was this document seized from?

10 A. This was seized also from the Palestinian Authority  
11 offices.

12 Q. What does this document say?

13 A. It says well -- "Palestinian National Authority,  
14 Palestinian General Security." And then it says, "Brother,  
15 director of intelligence service of the Ramallah and al-Bireh  
16 governorate. May God protect him. Greetings of the homeland.  
17 "Subject the zakat committee."

18 Q. Slow down a little bit, please.

19 A. Sorry.

20 Q. What is the date of this document?

21 A. December 22nd, 2001.

22 Q. And what does it say under "Subject: The zakat  
23 committee"?

24 A. It says, "Address: Ramallah, al-Ramuni Building.

25 "Financing: Foreign support from several countries.

1            "This committee supports families of detainees and  
2 families of deportees. It financially supports needy students  
3 and distributes money and clothes to the orphans and the poor.

4            "Officials and members of this committee are associated  
5 with Hamas movement, and some of them are activists in the  
6 Movement.

7            "Please accept utmost respect."

8            Q.    Do you recall, I believe it was Ms. Hollander asked you  
9 questions about that tape we played, and I am drawing a blank  
10 on the number. I think it was InfoCom Search No. 68, the  
11 Hebron library video. Do you recall that?

12          A.    I do.

13          Q.    It started with the demonstrations and then clipped into  
14 the library?

15          A.    Yes.

16          Q.    And in that videotape Shukri Baker is heard on a  
17 speakerphone to the people who are in the audience.

18          A.    Yes.

19          Q.    Okay. What does Shukri Baker say about Yasser Arafat,  
20 the head of the Palestinian Authority when he was alive, in  
21 that video, if you recall?

22          A.    I believe he thanked him for -- I can't exactly remember.

23          Q.    Was he offering praise?

24          A.    Yes.

25          Q.    Okay. Any documents in evidence that identifies the

1 Palestinian Authority's view towards the Holy Land Foundation?

2 A. Yes.

3 MR. JONAS: If we can pull up Palestinian Authority

4 No. 2.

5 Q. (BY MR. JONAS) Do you have that before you, Agent Burns?

6 A. I do.

7 MR. JONAS: Okay. And if we can scroll to the

8 English. I don't believe this is a long document. Enlarge

9 the top, please.

10 Q. (BY MR. JONAS) Agent Burns, what is this called? What

11 is the title of the document?

12 A. It says, "Information political security Hamas. Who is

13 financing Hamas."

14 Q. If you can read this at a slower clip than you read the

15 last one.

16 A. Sorry.

17 Q. It is okay.

18 A. It says, "At the beginning of April in one of the cars

19 heading towards Damascus City Center, there sat Imad al-Alami,

20 a 39-year-old engineer and one of Hamas' icons overseas."

21 Q. Let me stop you for a moment. I am holding up

22 Demonstrative No. 17, a chart we have become very familiar

23 with. Is Imad al-Alami on this chart?

24 A. He is closest to me on the bottom row, the Hamas leader

25 in Iran.

1 Q. Please continue reading.

2 A. "He is the public relations figure with Iran. The man  
3 was heading to Damascus center to attend an important meeting.  
4 He was scheduled to meet with one of the staff at the Iranian  
5 embassy who had a sealed envelope for him. It was the bonus.  
6 The bonus for the missions he carried out in Israel through  
7 Hamas' suicide operatives during the months of February and  
8 March. According to Western sources, al-Alami has received  
9 about \$1 million as a gift from Iran, noting that Iran's gifts  
10 to Hamas usually do not exceed a small percentage of Hamas'  
11 revenue worldwide. Security experts believe that extremist  
12 Palestinian movement's income reached \$70 million annually.  
13 According to Western security organizations, Hamas was able to  
14 enter the financial sector and was able to transfer funds into  
15 Gaza through trustworthy traders and persons to the point that  
16 funds were even legitimately transferred through Israeli  
17 banks."

18 MR. JONAS: Scroll down, please.

19 Q. (BY MR. JONAS) What is the next section called and what  
20 DOES it say?

21 A. "Hamas foreign finance sources." It says, "There are  
22 three sources for Hamas funds.

23 "1. The United States of America, where Hamas collects  
24 approximately ten percent of its force through donations and  
25 the sale of newspapers and zakat funds."

1 Q. That is enough. We don't need to read the rest.

2 MR. JONAS: If we can go to the next page.

3 Q. (BY MR. JONAS) Before we do that, on al-Alami who you  
4 have read, in the top part of this document that I showed you,  
5 was there any connection between the HLF and him?

6 A. There were telephone calls between the HLF and him in  
7 Iran.

8 Q. All right.

9 MR. JONAS: The next page, please.

10 Q. (BY MR. JONAS) What does this next page say about the  
11 Holy Land Foundation?

12 A. It says under " Hamas financial resources worldwide, No.  
13 1, the United States of America, Texas, the Islamic  
14 Association for Palestine, the Holy Land Fund."

15 Q. Have we seen the Islamic Association for Palestine  
16 anywhere else in this case?

17 A. Yes. That is the same as the IAP, one of the three  
18 organizations that constituted the Palestinian Committee.

19 Q. And the Holy Land fund, is that short for something?

20 A. That is the Holy Land Foundation, the HLF.

21 Q. Any other organizations on this screen that you have  
22 identified previously in your testimony?

23 A. Yes. Under Virginia, the United Association for Studies  
24 and Research, the UASR, was the third organization under the  
25 Palestine committee.

1 MR. JONAS: Your Honor, pass the witness.

2 THE COURT: Mr. Westfall, I believe you were up  
3 first?

4 MR. WESTFALL: Yes, Your Honor.

5 At this time, Your Honor, I will offer several Defense  
6 exhibits into evidence, and I believe there is no objection to  
7 them, No. 1356, 1357, 1358, 1359, 1360, 1362, 1363, 1364, and  
8 1393.

9 THE COURT: Counsel, any objection to those?

10 MR. JONAS: No objection, Your Honor.

11 THE COURT: Those are admitted.

12 RECROSS EXAMINATION

13 By Mr. Westfall:

14 Q. Now, Agent Burns, you all have had these exhibits for a  
15 little while. Have you had a chance to go through them? Here  
16 is what I want to know.

17 MR. WESTFALL: May I approach one more time, Your  
18 Honor?

19 THE COURT: Yes.

20 Q. (BY MR. WESTFALL) On each one of those there is -- the  
21 payment schedule is on top. Okay?

22 A. Okay.

23 Q. And you see the yellow tabs on the side?

24 A. I do.

25 Q. Those are on pages where there are indictment counts, and



1     those should correspond to yellow tabs on the left hand side.

2     A.    Okay.

3     Q.    And what I want you to do is just be able to satisfy that  
4     those represent the indictment transactions on those  
5     schedules.

6     A.    Okay.

7     Q.    And you may have already looked at them and decided that.  
8     I don't know.

9     A.    I have not looked at these.

10           MR. WESTFALL:  May I approach, Your Honor?  This may  
11     make it easier.

12           THE COURT:  Yes.

13     Q.    (BY MR. WESTFALL)  Agent Burns, I will go ahead -- Do you  
14     see how this here is the 1/26/98 transaction for \$95,000?

15     A.    I do.

16     Q.    Is this the 1/26/98 transaction for \$95,000?

17     A.    It is.

18     Q.    Okay.  And that is how it works.

19     A.    Okay.

20     Q.    Then the next one down is this one -- and all of them are  
21     marked like that.

22     A.    Okay.

23     Q.    And I want you to be comfortable that it is all there,  
24     but if you want to you can accept my representation that it  
25     is.

1 A. Okay. That basically these documents that are tabbed  
2 relate to these counts?

3 Q. Yes.

4 A. Okay.

5 Q. Are you good with accepting that for me?

6 A. I am.

7 Q. Okay. Very well. Then please do me a favor. Your very  
8 first one there, what exhibit number is it?

9 A. Defense No. 1357.

10 Q. Okay. And what do those transactions relate to?

11 A. Transactions with the Jenin zakat committee.

12 Q. So set that one aside. What is the next one?

13 A. The next one is Qalqilya zakat committee.

14 Q. What is the number?

15 A. Defense No. 1364.

16 Q. Okay. What is the next one?

17 A. Okay. The next one is summary of indictment  
18 transactions.

19 Q. Look on the second page. Do you see those that are  
20 circled there?

21 A. I do.

22 Q. And what I am calling that, and tell me if you agree with  
23 me, is just transactions going to HLF Hebron or HLF Gaza.

24 A. The ones that you have marked?

25 Q. Yes.

1 A. The ones that are highlighted appear to be either the HLF  
2 Hebron account or the Gaza account.

3 Q. Okay. Those were just some that didn't appear in any of  
4 the other zakat committees.

5 A. Okay.

6 Q. Used to be called territories.

7 A. Okay.

8 Q. What number is that?

9 A. Defense No. 1393.

10 Q. Okay. We will call that HLF Hebron/Gaza. Is that okay?

11 A. Okay.

12 Q. What is the next one?

13 A. Ramallah zakat committee.

14 Q. What number is it?

15 A. Defense No. 1362.

16 Q. Okay. The next one?

17 A. Nablus zakat committee.

18 Q. What number is it?

19 A. No. 1360.

20 Q. Next one?

21 A. Islamic Science and Culture.

22 Q. Okay. What number is it?

23 A. No. 1356.

24 Q. Next one?

25 A. Bethlehem Orphan Care Society.

1 Q. Okay. What number?

2 A. No. 1358.

3 Q. And then No. 1359 is?

4 A. That is Islamic Charitable Society of Hebron.

5 Q. And what is No. 1363?

6 A. That is Tulkarem zakat committee.

7 Q. Okay. Is that fair--indictment transactions?

8 A. Okay.

9 Q. Okay.

10 MR. WESTFALL: Your Honor, I offer this one piece of  
11 paper as a summary exhibit. I believe it would be No. 1415 at  
12 this point.

13 MR. JONAS: Your Honor, we object. This is nothing  
14 more than an exhibit list. It doesn't summarize anything  
15 other than identify the exhibits, which are clear from the  
16 face of them, as Agent Burns just testified to.

17 THE COURT: I will overrule that objection, and  
18 Defense Exhibit No. 1415 is admitted.

19 MR. WESTFALL: May I approach?

20 THE COURT: Yes.

21 Q. (BY MR. WESTFALL) I now have in my hands No. 1357, and I  
22 just want to -- The way this works, Agent Burns, it shows here  
23 on payments to Jenin zakat, you all's summary schedule, do you  
24 see the first payment is dated 1/26/98?

25 A. Yes.

1 Q. And it is for \$95,000?

2 A. Correct.

3 Q. And then you go all the way over to the side here and it  
4 has got the tab indicating that it is an indictment  
5 transaction.

6 A. Correct.

7 Q. And you see the first page on Defendants No. 1357 is the  
8 1/26/98, \$95,000 transaction?

9 A. Correct.

10 Q. And then the second one is a transaction for \$24,173. Do  
11 you see that?

12 A. I do.

13 Q. And the second transaction on this one that -- it has a  
14 tabbed indictment transaction. Do you see that?

15 A. I do.

16 Q. Is \$24,173.

17 A. Correct.

18 Q. Okay. Now, there is one other thing I wanted to show  
19 you, and I am going to go to HLF Search No. 35. I am keeping  
20 the elmo. I am just saying this for the record, HLF Search  
21 No. 35, pages 79, 80, 81, 82, 83, and 84. And those are the  
22 documents that underlie this one indictment transaction.  
23 Wouldn't you agree--HLF Search No. 35, 79 through 84?

24 A. Yes.

25 Q. And what those are, this is a request for a transfer of

1 funds. Right?

2 A. Correct.

3 Q. And then this thing that I was calling a cover page with  
4 the receipt that came back.

5 A. Correct.

6 Q. And then the translation for the transmittal page and the  
7 receipt.

8 A. Correct.

9 Q. Another copy of the transmittal page and the receipt, and  
10 then another transaction for the transmittal page and receipt.

11 A. Translation.

12 Q. Another translation. And there were no orphan lists in  
13 you all's supporting documentation for that transaction.

14 A. I don't recall offhand. I would have to look and see,  
15 but --

16 Q. It says here page 79 to 84, and that was 79 to 84 that we  
17 just looked at. Right?

18 A. Correct.

19 Q. Now, see how these documents came out of box 14, HLDL 14?

20 A. Yes.

21 Q. And Defendants' No. 1357 at page 12, this same -- You see  
22 this is the same 8389 transaction?

23 A. Yes.

24 Q. And this is out of box 137. Right?

25 A. Correct.

1 Q. In the multitudinous banker boxes of the HLF search  
2 warrant material, you saw many different copies of kind of the  
3 same documents in different places.

4 A. That is correct.

5 Q. Here is an orphan list, and this is page 18 out of the  
6 Defense exhibit, and this is HLDL 47.

7 A. Correct.

8 Q. Does that appear to be an orphans list?

9 A. It does.

10 Q. Does that appear to be a family dues list?

11 A. It does.

12 Q. Can you see how much that is for?

13 A. I think it says \$1816.

14 Q. Is that right?

15 A. \$1116.

16 Q. And then here is the request for transfer of funds for  
17 \$1116. Right?

18 A. Correct.

19 Q. So they certainly appear to match and belong in that  
20 transaction.

21 A. Those do, yes.

22 Q. This is the same Government's Exhibit HLF No. 35. This  
23 is pages 52, 53, 54, 55, 56, and 57. And this is a  
24 transaction for \$24,173. Do you see that?

25 A. I do.

1 Q. And does it appear to be an indictment transaction,  
2 \$24,173?

3 A. It does.

4 Q. And these were all out of HLDL box 1. And can you see  
5 that?

6 A. I can.

7 Q. Okay. Do you agree with that?

8 A. Yes.

9 Q. And in the pages 52 to 57 that you have cited in your  
10 schedule, there appears to be no orphans list in this.

11 A. Correct.

12 MR. JONAS: Your Honor, I am going to object. This  
13 is beyond the scope of redirect. It is nothing more than a  
14 continuation of Mr. Westfall's cross of Agent Burns.

15 THE COURT: I think we agreed to do that.

16 MR. JONAS: I don't think we anticipated that there  
17 would be this questioning of them.

18 THE COURT: All right. Overrule the objection.

19 MR. WESTFALL: We are a second away from being done  
20 with this, Your Honor.

21 THE COURT: All right.

22 Q. (BY MR. WESTFALL) Now, page 1 of Exhibit No. 1357, those  
23 that you all had were box 1. Do you see where this is box  
24 121?

25 A. I do.



1 Q. And then in here there is orphans lists. Does that  
2 appear to be an orphans list?

3 A. If you just scroll down. Let me make sure that is the  
4 title. It looks like an orphans list.

5 Q. That is a continuation of the orphans list. Does it also  
6 say box 121?

7 A. It does.

8 Q. I want to talk to you about the summary schedules again.

9 A. Okay.

10 Q. And just to refresh everyone's memory, the schedules that  
11 you and I actually went through are the committees where there  
12 are counts in the indictment that involve those committees.

13 A. Correct.

14 Q. Right? And for each one of them what we did is went  
15 through and looked at the membership in whatever documents we  
16 could find, whether it was InfoCom No. 28 or something else,  
17 and then kind of went through the membership, and then  
18 ultimately put red checkmarks over every one that you could  
19 say the search warrant materials gave some evidence that these  
20 people were involved with Hamas. Right?

21 A. Correct.

22 Q. And you still -- I guess for any of these you still can't  
23 tell us how many members there were on the committee during  
24 the relevant time period.

25 A. No.

1 Q. And now the Islamic Society of Hebron, this is once again  
2 based on the search warrant materials. Right?

3 A. Correct.

4 Q. There is ten members on your summary schedule?

5 A. Correct.

6 Q. And out of those ten it appears eight are checked. True?

7 A. True.

8 Q. Now --

9 MR. WESTFALL: Your Honor, may I have just one  
10 moment?

11 THE COURT: Yes.

12 Q. (BY MR. WESTFALL) what I want to do is go through these,  
13 and I want you to tell me if each name here that has got a red  
14 check on it, if your only evidence of that that you considered  
15 for purposes of this schedule is the deportee video.

16 A. Okay.

17 Q. Okay. And I believe the deportee video is -- No. I am  
18 sorry. The deportee list.

19 A. Okay.

20 Q. And I believe that deportee list is InfoCom No. 25.

21 A. No. 25.

22 Q. Okay. So Talal Sadr?

23 A. No, that was not the only exhibit.

24 Q. Okay. Mustafa Shawar?

25 A. For the purposes of this chart, that was the only

1 exhibit.

2 Q. Azzam Salhab?

3 A. No, that list was not the only exhibit.

4 Q. Adel Juneidi.

5 A. For this chart, the only one was the list.

6 Q. Adnan Masouwda?

7 A. The same thing for this one.

8 Q. Kamal Al Tamimi?

9 A. That was not the only exhibit.

10 Q. Hashem Natshe?

11 A. It was not the only exhibit.

12 Q. And Abdel Khaleq Natshe?

13 A. It was not the only exhibit.

14 Q. So these three, basically the only thing that we are  
15 looking at, the ones that I have highlighted in orange, the  
16 only thing we are looking at is the MEDZ deportee video?

17 A. Not the video, the list.

18 Q. Correct. Okay. So on here when you say MEDZ deportee,  
19 what that means is InfoCom Search No. 25.

20 A. Or they appear on a videotape.

21 Q. You have listed here InfoCom Search No. 25.

22 A. Correct.

23 Q. You don't have the videotape listed.

24 A. It is probably under the videotape section.

25 Q. There it is. Which one is that one?

1 A. Well, I think we played four. I don't have all of the  
2 exhibit numbers memorized, but I know HLF Search No. 70 and 75  
3 were two of them.

4 Q. There is No. 70 and there is No. 75, and then InfoCom  
5 Search No. 68, and the videos are up here. Okay. Very well.  
6 What I have just done is put orange highlight on the InfoCom  
7 Search No. 25. Okay?

8 A. Okay.

9 THE COURT: Let's take the morning break. Be back  
10 at 11:15.

11 (Whereupon, the jury left the courtroom.)

12 THE COURT: We will be in recess.

13 (Brief recess.)

14 THE COURT: Mr. Westfall?

15 MR. WESTFALL: Thank you, Your Honor.

16 Q. (BY MR. WESTFALL) Okay. Continuing on, Agent Burns,  
17 InfoCom Search No. 25 is the list of the expelled.

18 A. Correct.

19 Q. Right? Now, when I am going through these here, what I  
20 want to know is -- And this is all based on search warrant  
21 materials. Correct?

22 A. Search warrant, wiretaps.

23 Q. All these summaries, search warrant and wiretaps. So  
24 what I am trying to do is find out the names of the people who  
25 have a red checkmark because of InfoCom Search No. 25.

1 A. Right.

2 Q. Okay. And we are in Jenin now. And is Ziyad Abdel Ghani  
3 Issa one of those people?

4 A. He is.

5 Q. This is the Islamic Science and Culture Committee.

6 A. Okay.

7 Q. Is Jamal Tawil one of those?

8 A. Yes.

9 Q. We are in Nablus.

10 A. Okay.

11 Q. Is Adly Rifat Yaish one of those?

12 A. Yes.

13 Q. Okay. We are in Tulkarem. Fathi Qarawi and Bashar  
14 Karami?

15 A. Yes.

16 Q. There was some I didn't go through, like Qalqilya who has  
17 no red checkmarks.

18 A. Correct.

19 Q. What I am going to write on here is "Checkmark equals  
20 some evidence of Hamas in the search warrant materials," and  
21 then "orange equals evidence of Hamas is InfoCom Search  
22 No. 25." Would those two representations be fair?

23 A. If you put search warrant material, I think you should  
24 also put wiretaps.

25 Q. And wiretaps. Okay. Here is what I have written.

1 "Checkmark equals evidence of Hamas in search warrant  
2 materials and wiretaps," and "orange equals evidence is  
3 InfoCom Search No. 25 deportee list."

4 A. Correct.

5 Q. Now, when I say evidence of Hamas, some of those things  
6 are certainly in contention. Isn't that right? Like the  
7 Ashqar documents, whether they mean Muslim Brotherhood or  
8 Hamas. Right?

9 A. Not to me.

10 Q. I know. But in contention. They are issues in this  
11 case.

12 A. Not to me. I mean, you may disagree with me.

13 Q. I mean, you have had people disagree with you from this  
14 lectern in this trial. That is what I am talking about.

15 A. Yes.

16 Q. And then, for instance, either the Ashqar or the  
17 Elbarasse document that says "All ours," whether that means  
18 Hamas or Muslim Brotherhood, that is an issue that is in  
19 contention in this trial. Wouldn't you agree?

20 A. I believe you disagree with me.

21 Q. Okay. So when I say "evidence of Hamas in search warrant  
22 materials and wiretaps," can I put "alleged evidence of  
23 Hamas"?

24 A. I mean, it is your writing, so --

25 Q. Are you okay with that?

1           MR. JONAS: I am going to object to that. It is not  
2           alleged evidence. It is evidence that is before this jury  
3           now, and Mr. Westfall's own interpretation of alleged is not  
4           proper here.

5           THE COURT: I think it is evidence. I don't think  
6           alleged -- I understand where you are going. If you can find  
7           another way, a better way to state it, I might agree with you,  
8           but I don't think alleged evidence --

9           Q. (BY MR. WESTFALL) Evidence which you all allege shows  
10          ties to Hamas?

11          THE COURT: By the Government?

12          MR. WESTFALL: That the Government alleges shows  
13          ties to Hamas.

14          MR. JONAS: I object to that. He is characterizing.  
15          It is not proper. And if he is seeking to admit this document  
16          he is now currently creating, I will object to that also.

17          THE COURT: I know you are going to object to that,  
18          but we aren't there yet. We are here at the first part.

19          Q. (BY MR. WESTFALL) Okay. I am just going to leave it  
20          like that.

21          A. Okay.

22          MR. WESTFALL: Your Honor, I do move this into  
23          evidence as a summary exhibit, Defendants' No. 1416.

24          THE COURT: Counsel?

25          MR. JONAS: We object. This is not summarizing

1 voluminous amounts of evidence. This is just Mr. Westfall's  
2 highlighting and writing. If he wants to become a witness,  
3 that is fine.

4 THE COURT: Agent Burns is the one who testified  
5 that reflects her testimony. The objection is overruled.  
6 Defense Exhibit No. 1416 is admitted.

7 MR. WESTFALL: Thank you, Your Honor.

8 Q. (BY MR. WESTFALL) Now, what was the exhibit number of  
9 the deportee video where the guy was talking and it cut off in  
10 mid sentence?

11 A. I can't remember the exact exhibit number. I remember  
12 the tent video was either No. 70 or 57, but I can't remember  
13 the exhibit number.

14 MR. WESTFALL: InfoCom No. 26? Okay.

15 Q. (BY MR. WESTFALL) And when you all made the edits to  
16 those videos, I mean, you watched the videos and you knew what  
17 was being said in them. Right? Before you decided to use  
18 them in this trial?

19 A. That is correct.

20 Q. And you knew that that cut off in mid sentence. Right?

21 A. I didn't recall it. But yes, I mean, obviously it cut  
22 off in mid sentence.

23 Q. Because what he says, "And some brothers did not belong  
24 to any group, but..." and then the video clip ends.

25 A. That is correct. But your translation is missing the



1 part that I would consider important. I mean, you have  
2 highlighted a part of it, but you are forgetting to include  
3 where it says "a majority of the brothers belong to Hamas or  
4 jihad."

5 Q. So if we were to take that translation that is actually  
6 in InfoCom No. 26 and combine this with it, that would be a  
7 complete statement at that point. Wouldn't you agree?

8 A. It would. But obviously there is more to the tape than  
9 that.

10 Q. But as to that one statement, it would be a complete  
11 statement. Correct?

12 A. Correct.

13 MR. WESTFALL: Your Honor, I move this into evidence  
14 as Defendants' No. 1417, as a continuation of the translation  
15 agreed by the Government, and the witness has adopted it.

16 MR. JONAS: No objection.

17 THE COURT: Admitted, Defendants No. 1417.

18 MR. WESTFALL: And I will pass the witness.

19 THE COURT: Okay. And Ms. Moreno, were you up next?

20 MS. MORENO: I believe it is my turn, Your Honor.

21 RECROSS EXAMINATION

22 By Ms. Moreno:

23 Q. Good morning.

24 A. Hi.

25 Q. I am going to talk to you just about one piece of

1 evidence that Mr. Jonas brought up in his redirect of you.

2 And we are going back to HLF Search No. 110, which is the  
3 videotape. Okay?

4 A. Okay.

5 Q. And I am going to refer to it as the ambulance driver  
6 videotape. And what I mean by that is the part that I played  
7 referred to Mr. Balbisi. Do you recall that?

8 A. I do.

9 Q. And Mr. Balbisi, just to orient the jury, was an  
10 ambulance driver who was shot and killed while he was driving  
11 his ambulance. Correct?

12 A. That is my understanding.

13 Q. Okay. And in fact, in the portion that I played in my  
14 examination with you, Agent Burns, that was an interview with  
15 his wife who said, "I am the wife of al-Balbisi." Do you  
16 remember that?

17 A. That is correct.

18 Q. And she said that -- She was talking about her husband  
19 and she said, "They did not have any mercy for what was on his  
20 shoulder, the crescent, the Palestinian Red Crescent." Do you  
21 remember her words?

22 A. I do; something general like that.

23 Q. And the Palestinian Red Crescent is -- What is the  
24 Palestinian Red Crescent, if you know?

25 A. It is my understanding that it is another charitable

1 society.

2 Q. Okay. Similar to the Red Cross?

3 A. That is my understanding.

4 Q. Okay. And then she went on to say, "They did not have  
5 mercy for what was on his shoulder and they did not have mercy  
6 for the child." Do you remember those words?

7 A. I do.

8 Q. Okay. And when she says "they," she is talking about the  
9 Israeli Defense Force soldiers. Right?

10 A. That would be an assumption on my part.

11 Q. And you have been testifying about a lot of documents and  
12 telling the jury what your opinions and your assumptions are,  
13 so I am going to ask you in this particular case when she says  
14 they had no mercy, she is talking about the Israeli soldiers.  
15 Correct?

16 A. Correct.

17 Q. All right. Now, the Government, Mr. Jonas then said to  
18 you in his redirect that he was going to play clips A and B.  
19 Correct?

20 A. Correct.

21 Q. And now, just so that the jury is clear, Holy Land Search  
22 No. 110 is a Government exhibit. Right?

23 A. That is correct.

24 Q. And it is a video that was seized from Holy Land.  
25 Correct?

1 A. That is correct.

2 Q. And you have seen this video. Right?

3 A. I have.

4 Q. And the video has much more to it than what clips A and B  
5 that Mr. Jonas played for you. Correct?

6 A. There is more on the tape than what you played and what  
7 he played.

8 Q. Right. But the original Exhibit No. 110 today, or when  
9 you testified about it originally, originally only had clips A  
10 and B which Mr. Jonas played today for you. Correct?

11 A. It may have. I am not -- I don't recall if it did or  
12 not.

13 Q. Well, you know that the exhibit that the Government  
14 wanted to show the jury did not have the clip of the widow of  
15 Mr. Balbisi. You know that?

16 MR. JONAS: I am going to object to the form of the  
17 question, wanting to show the jury. This is improper.

18 THE COURT: Sustained. It is argumentative,  
19 counsel.

20 MS. MORENO: It goes to bias.

21 THE COURT: Sustained. Rephrase.

22 MS. MORENO: Thank you.

23 Q. (BY MS. MORENO) The Government exhibit as assembled by  
24 the Prosecution in this case did not include the portion that  
25 I had the jury view. Correct?

1 A. I don't think it did. I can't say for certain, but I  
2 don't think it did.

3 Q. Okay. And in the portion that I played for the jury, Mr.  
4 Al-Balbisi, his widow calls him a martyr. In fact, she says,  
5 "I am the widow of the martyr al-Balbisi." Correct?

6 A. Correct.

7 Q. And he is considered a martyr. Right?

8 A. Correct.

9 Q. And he was shot while he was driving an ambulance.  
10 Correct?

11 A. That is my understanding.

12 Q. Okay. Now, clip A, I don't think we are going to have to  
13 play it, but we may, so I want you to think back to what clip  
14 A was. And if you agree with me, clip A began showing a  
15 truck. Do you remember that?

16 A. I do.

17 Q. And the translation said that this was from the Holy Land  
18 Foundation from the Islamic and Arabic Communities of America.  
19 Do you recall that?

20 A. I do.

21 Q. Okay. And in the truck -- It showed the back of the flat  
22 bed. Do you remember?

23 A. Yes.

24 Q. And in the back of the flat bed there were bags of flour  
25 or food. Do you recall that?

1 A. There were bags. I don't know what was in them.

2 Q. Okay. Do you recall testifying at another proceeding  
3 about this tape?

4 A. I do.

5 Q. And do you recall being asked these questions and giving  
6 these answers:

7 "And this would be bags of food, flour, rice, or sugar in  
8 the back of one of the trucks. Do you see that?"

9 Answer: "I do."

10 Question: "And that gentleman walking in the orange  
11 shirt, that is Abu Muharam. Correct?"

12 Answer: "Correct."

13 Question: "And following him are persons with some kinds  
14 of bags of flour or rice. Right?"

15 Answer: "Right."

16 Do you remember giving those answers?

17 A. I do. That was an assumption. I was agreeing with your  
18 leading question. So they were bags. They could have that in  
19 there, but I don't know for sure because they weren't opened.

20 Q. Okay. Now, and that was Abu Muharam that you identified.  
21 Right?

22 A. That is correct.

23 Q. And in the beginning of that video he is going into a  
24 home with a number of family members. Remember that?

25 A. I do.

1 Q. And he is going in with persons who have T-shirts that  
2 have the Holy Land logo on them. Do you recall that?

3 A. I do.

4 Q. Okay. And those persons have these bags of what you  
5 previously testified under oath were food or flour. Right?

6 A. What I had agreed with you they could be. Yes.

7 Q. Right. Well --

8 A. Let's just assume that they are.

9 Q. Let's go back to the question that I asked you and your  
10 answer.

11 MR. JONAS: This has been gone over already, Judge,  
12 and she already answered the questions.

13 THE COURT: Overruled. Go ahead.

14 Q. (BY MS. MORENO) I asked you, "And this would be bags of  
15 food, flour, rice, or sugar in the back of one of the trucks.  
16 Do you see that?" And you said, "Yes." You said, "I do."

17 And then I asked you, "And following him are persons with  
18 some kinds of bags of flour or food. Right?" And you said,  
19 "Yes."

20 You didn't say, "I don't know," did you?

21 A. I did not.

22 Q. And you did not say, "I assume so," did you?

23 A. I did not.

24 Q. No. You said, "yes." Right?

25 A. I said, "I do."

1 Q. That is what you said.

2 Okay. And then we see Mr. Abu Muharam talking to the  
3 family members. Remember? I am still talking about clip A.

4 A. Okay.

5 Q. Okay. And he says to them, "We are with the Holy Land  
6 Foundation, and we are here to help the families of martyrs,  
7 the wounded, and the needy." Do you recall him saying that?

8 A. I do.

9 Q. And he refers to the current Intifada.

10 A. Correct.

11 Q. And you have -- I think you dated clip B to October 2000.  
12 Is that your testimony as to clip A? Do you have a date on  
13 that particular clip?

14 A. I think based on the content of the tape, we knew it  
15 resulted, or all of that had happened after the beginning of  
16 the second Intifada, which I said was October 2000. So I  
17 don't know the exact date, but those events that were in the  
18 tape happened as a result of the second Intifada.

19 Q. Okay. So the best you can tell the jury about the dates  
20 of both of those clips would be during the second Intifada.  
21 Correct?

22 A. Correct.

23 Q. And that would be post October 2000?

24 A. Correct.

25 Q. Other than that, you can't be anymore specific. Is that



1 right? Is that fair?

2 A. Yes. I mean, there may be something in there that maybe  
3 can help us narrow it down, but generally yes.

4 Q. Okay. And then the gentleman who is being interviewed,  
5 he says to Mr. Abu Muharam that his brother was martyred. Do  
6 you remember that?

7 A. Yes.

8 Q. And he said that his brother was martyred during  
9 shooting. Correct?

10 A. He did.

11 Q. Okay. And that would have been shooting with the Israeli  
12 Defense Force soldiers. Correct?

13 A. I believe so.

14 Q. Okay. Then we go to clip B, and clip B is the interview  
15 with that woman who has got a picture of I guess her son in  
16 her lap. Remember that clip?

17 A. I do.

18 Q. But in the beginning of that clip, the camera pans up and  
19 shows the same photographs of her son. Do you remember that  
20 part?

21 A. I do.

22 Q. And there are logos on those pictures. Correct?

23 A. I believe there are.

24 Q. And they are not Hamas, are they?

25 A. I don't believe that they are. I believe that individual

1 might have been with al-Aqsa Martyrs Brigade.

2 Q. And why don't you tell the jury who al-Aqsa Martyrs  
3 Brigade is.

4 A. That would be the terrorist wing of Fatah.

5 Q. Right. That would be Fatah, who is the bitter rival of  
6 Hamas. Correct?

7 A. Correct.

8 Q. Okay. And so the Government has shown the jury a clip of  
9 Holy Land aid to a family of someone who, according to the  
10 picture, was in Fatah. Correct?

11 A. Correct.

12 Q. And not Hamas.

13 A. Correct.

14 Q. Okay. Now, with respect to that last clip, Agent Burns,  
15 this woman who is mourning her son is asked, "Do you want  
16 assistance?" Do you remember Abu Muharam is off camera  
17 asking, "Do you want assistance?" Do you remember that?

18 A. Yes.

19 Q. And that answer is kind of a long, painful, angry answer.  
20 Would you agree with me?

21 A. It was a long answer.

22 Q. Okay. And she talks about -- Because Mr. Jonas pointed  
23 this out to the jury. This was important. Right? That she  
24 is asking for weapons. Right?

25 A. She was asking for weapons.

1 Q. And that is important to the theory of your prosecution.  
2 Right?

3 A. Actually, no, because giving to Hamas is giving to Hamas'  
4 charitable side, just as it is anything. So the fact that she  
5 is asking for money for weapons is not determinative.

6 Q. All right. And she says to Mr. Muharam, "Not to let them  
7 come in our homes and kill us," when he is asking her what she  
8 wants and what she needs. She says that. Right?

9 A. She does.

10 Q. And when she says the "them," she is talking about the  
11 Israeli Defense Force soldiers. Correct?

12 A. I would assume.

13 Q. You would assume. Okay. And then Mr. Jonas asked you,  
14 "Well, she wasn't asking for food or backpacks." Do you  
15 remember that question?

16 A. I do.

17 Q. Yeah. Okay. What benefit could her dead son get from  
18 food or backpacks, Agent Burns? Any?

19 A. His children could.

20 Q. Okay. What benefit could he get?

21 A. He is dead, so --

22 Q. That is right.

23 MS. MORENO: Pass the witness.

24 MS. HOLLANDER: I am next, Your Honor.

25 RECROSS EXAMINATION

1     By Ms. Hollander:

2     Q.     Still good morning.

3     A.     Barely.

4     Q.     I want to talk to you briefly about a few of the  
5     documents that you discussed today. One of them was the  
6     document we referred to as Ashqar No. 5.

7     A.     Yes.

8                 MS. HOLLANDER: Can we pull that up so we can remind  
9     the jury what it is?

10    Q.     (BY MS. HOLLANDER) Now, this is a document that was  
11    taken from Mr. Ashqar's house, or photographed in Mr. Ashqar's  
12    house. Correct? It is not actually taken. And this is a  
13    document that we discussed and you discussed again that lists  
14    what the Muslim Brotherhood will do and then what Hamas will  
15    do. Correct?

16    A.     Correct.

17    Q.     Okay.

18                 MS. HOLLANDER: And if we can go to the first page  
19    of the English, I think it was page 14.

20    Q.     (BY MS. HOLLANDER) Now, there is no date on this, is  
21    there?

22    A.     That is correct.

23    Q.     So all you know, it was before December of 1993 when the  
24    agents went into his home. Correct?

25    A.     And again we talked about this. Based on the content,

1     which it has been a while since I reviewed it for that  
2     purpose, it was '88, '89.

3     Q.     But you are just assuming that.   Correct?   Because there  
4     is no date on it.

5     A.     There is no date on it.

6     Q.     And you don't know who wrote it either, do you?

7     A.     Well, there is no author that signed it.

8     Q.     Right.   So you don't know who actually authored it, do  
9     you?

10    A.     I know that it is a Hamas paper, but I do not know the  
11    name of the actual author.

12    Q.     So the answer is that you don't know who wrote this  
13    document.

14    A.     Not the person.

15    Q.     All right.   And you don't know that Shukri Abu Baker ever  
16    saw it either, do you?

17    A.     I don't know.

18    Q.     Okay.

19           MS. HOLLANDER:   Now, let's look at Elbarasse No. 22,  
20    please, Mr. Lewis.

21    Q.     (BY MS. HOLLANDER)   Now, let me stop right there.   That  
22    is a handwritten document.   Correct?

23    A.     It is.

24    Q.     And you don't know who wrote that one either, do you?

25    A.     No author signed it.

1 Q. No. And it is dated -- There is a date on a fax line.

2 It looks like a fax line. Correct?

3 A. Correct.

4 Q. But the fax line doesn't say -- You can't tell whether it  
5 is coming in or going out fax line. It is just a fax line.  
6 Right?

7 A. Right. It just has the date and a time.

8 Q. So when you put a fax in your own machine and it goes out  
9 it gets a line. Right? And when a fax comes in it gets a  
10 line.

11 A. Correct.

12 Q. We don't know which this is.

13 A. Correct.

14 Q. So we don't know whether this was somebody sending it or  
15 whether it was received into Mr. Elbarasse's house. Correct?

16 A. That is correct.

17 Q. Okay. And although I believe it says --

18 MS. HOLLANDER: If we can go to the first page of  
19 the English.

20 Q. (BY MS. HOLLANDER) It says, "Dear brother Shukri" on it,  
21 doesn't it?

22 A. It does.

23 Q. But you never found a copy of this in Holy Land, did you?

24 A. I did not.

25 Q. Or in InfoCom?

1 A. No.

2 Q. So you don't have any way of knowing whether Shukri ever  
3 saw this.

4 A. Outside his membership in the Palestinian Committee, no,  
5 I did not find a copy at HLF or InfoCom.

6 Q. So you don't know if he ever saw this document, do you?  
7 You don't have any evidence that he ever saw this document, do  
8 you?

9 A. Correct.

10 Q. Okay. Now, you also talked about some documents that the  
11 Israeli army seized from the Palestinian Authority offices.  
12 Correct?

13 A. Correct.

14 Q. And that was in 2002 during Operation Defensive Shield.

15 A. And that year may be more accurate. I knew it was 2002  
16 or 2003. I can't remember which year. It was after the HLF  
17 was no longer operating.

18 Q. Right. And that was when--and we have had testimony to  
19 this--when the Israeli Defense Forces went in and seized a lot  
20 of documents from the West Bank. Correct?

21 A. Correct.

22 Q. And one of them in particular was Palestinian Authority  
23 No. 2.

24 MS. HOLLANDER: If you could put that up for me,  
25 please.

1 Q. (BY MS. HOLLANDER) Now, this document, if you go to the  
2 first page of the English, this document is also -- You can't  
3 read the signature. Correct? It says "illegible."

4 A. Yes, it does.

5 Q. And it is also undated, isn't it?

6 A. It is.

7 Q. And it doesn't have any official stamp on it that shows  
8 that it is a Palestinian Authority document, does it?

9 A. It says, "Information Political Security." Can we go  
10 back to the front page? I just can't remember what it looks  
11 like.

12 Q. Sure. There is no stamp -- There is no eagle on this of  
13 the Palestinian Authority, is there?

14 A. There is not.

15 Q. No. There is nothing on this that shows that it was  
16 written under the authority of the Palestinian Authority, is  
17 there?

18 A. In its letterhead -- I can't determine that from the  
19 letterhead.

20 Q. Is right. So you don't know again who wrote this  
21 document, do you?

22 A. I have not studied the entire thing. I mean, we have  
23 read portions of it, but I can't say who the author is because  
24 we can't read his signature.

25 Q. And you don't know the authority of that person to write



1     this particular document either, do you?

2     A.     Because I don't know who that person was, I can't say.

3     Q.     And you don't know whether the statements in this were  
4     somebody's opinion, do you?

5     A.     I don't know.

6     Q.     And you don't know whether it was just a collection of  
7     something that someone had read in a newspaper article, do  
8     you?

9     A.     This does not look like newspaper article materials. It  
10    says on the translation that it is related to security, so --  
11    There is no indication that came from a newspaper.

12    Q.     But you don't know where this person got this  
13    information, do you?

14    A.     And if we can look back to the English text, just to let  
15    me --

16    Q.     The person talks about sources, but it doesn't say what  
17    those sources are, does he?

18    A.     It talks about Western sources and security experts.

19    Q.     Right. But it doesn't say what they are, does it?

20    A.     It doesn't say what they are.

21    Q.     And you know that there is a stipulation in this case  
22    that as of the date of the Philly meeting, 1993, the HLF had  
23    been publicly named as associated with Hamas. Correct?

24    A.     Correct.

25    Q.     You know that the Palestinian Authority was widely

1 accused of being corrupt. Correct?

2 A. I do.

3 Q. I am talking about when Fatah was controlling the  
4 Palestinian Authority.

5 A. Yes.

6 Q. And Yasser Arafat was the leader of Fatah. Correct?

7 A. Yes, he was.

8 Q. And it was accused of essentially stealing money. That  
9 is what we mean by corrupt. Correct?

10 A. I have heard those accusations.

11 Q. And you also know that the Palestinian Authority was  
12 trying to get financial control of the zakat committees, don't  
13 you?

14 A. They may have. I don't recall seeing anything to that  
15 effect.

16 Q. Now, you will -- I want to switch topics here and talk  
17 about the Hebron massacre just for a minute.

18 A. Okay.

19 MS. HOLLANDER: If I could have the elmo.

20 Q. (BY MS. HOLLANDER) The document I am referring to is  
21 Defendants' No. 1394. And just to -- This is just so we know  
22 what we are talking about here. This is a portion of the  
23 United Nations -- a document from the United Nations.

24 A. Correct.

25 Q. Correct? Now, you discussed this particular item from

1 the United Nations, and it said that -- It is a little hard to  
2 read here, but if I make it any bigger we are going to lose  
3 it. "Six members of the Fatah Hawks were killed by an  
4 undercover IDF patrol in the Jabalia refugee camp, although  
5 they were not on the wanted list." Do you see that?

6 A. I do.

7 Q. And it says, "According to the Palestinian eyewitnesses  
8 quoted in the Jerusalem Times. Now, the Jerusalem Times is an  
9 Israeli newspaper. Correct?

10 A. Correct.

11 Q. And it is just a regular newspaper like the Dallas  
12 Morning News or something like that, but it is the Jerusalem  
13 Times.

14 A. It is a newspaper.

15 Q. Right. And it is published in Hebrew and in English.  
16 Correct?

17 A. I believe that is correct.

18 Q. And it says, "According to the eyewitnesses quoted in the  
19 Jerusalem Times, the men were wearing uniforms and  
20 distributing leaflets and did not shoot." Do you see that?

21 A. I do.

22 Q. And then it says, "According to B'tselem, undercover  
23 soldiers shot to kill and did not act in self-defense. No  
24 warning shots were reportedly fired into the air. One of the  
25 men was initially only wounded and reportedly tried to escape,

1 but was subsequently shot in the head at point blank range."

2 Do you see that?

3 A. Yes.

4 Q. And B'tselem is an Israeli non-governmental organization,  
5 the full name of which is the Israeli Information Center for  
6 Human Rights in the Occupied Territories. Correct?

7 A. I don't know anything about it.

8 Q. You have never researched B'tselem or looked into  
9 anything that they have written?

10 A. No.

11 Q. And then you see that the police, I mean the army had a  
12 different version of all of this. Correct?

13 A. Correct.

14 Q. Right. A different version than the Jerusalem Times.  
15 Correct?

16 A. Well, according to the Palestinian eyewitnesses that were  
17 quoted in it.

18 Q. Right. The Israeli army had a different version.  
19 Correct?

20 A. Correct.

21 Q. And a different version than the Israeli NGOs report,  
22 B'tselem's report?

23 A. I don't know what B'tselem is, so --

24 MS. HOLLANDER: I have nothing further, Your Honor.

25 THE COURT: Mr. Mysliwicz?

1 MR. MYSLIWIEC: Can we pull up InfoCom Search No.  
2 100?

3 RECROSS EXAMINATION

4 By Mr. Mysliwiec: ?

5 Q. And the top left hand corner you can see there a logo.  
6 Right?

7 A. Correct.

8 Q. And that is a logo of the Ibrahimi mosque. Right? Do  
9 you want us to make it larger?

10 A. I don't know enough about it to say yes or no.

11 Q. Okay. But this is the document where the mosque massacre  
12 committee is identified. Right?

13 A. Correct.

14 MR. MYSLIWIEC: Can we go to page 2?

15 Q. (BY MR. MYSLIWIEC) And in the upper left hand corner,  
16 right there it says the committee for the families of the  
17 Ibrahimi sanctuary massacre. Right?

18 A. Correct.

19 Q. Now, this has a number of payment vouchers. We covered  
20 that at length when I was talking to you earlier. But the  
21 vouchers make no distinction between someone who was killed at  
22 the mosque or someone who was killed in the aftermath. Right?

23 A. Except for the amounts of the money that some of them got  
24 paid.

25 Q. But it doesn't say anything about any amounts of money,

1 does it?

2 A. Under the shekels it says 300, and then under the two  
3 guys that weren't a part of it it says 900, so they got paid  
4 more. I mean, that is one distinction, but --

5 Q. Let's go back to what my question was. Okay? It makes  
6 no date distinction between those killed at the mosque and  
7 those killed at the aftermath. Right?

8 A. The voucher does not.

9 Q. That is right. So just looking at a voucher, you don't  
10 know if the intention of this voucher is to name someone who  
11 was killed at the mosque or was killed in the aftermath.  
12 Right?

13 A. Well, I would look at the committee for the families of  
14 the Ibrahimi sanctuary massacre, the massacre was something  
15 different than people who were killed when they were revolting  
16 or rioting or anything in the aftermath.

17 Q. Okay. But if we look at Demonstrative No. 32, this Mr.  
18 Ghazal al-Masri is identified. Right?

19 A. Yes, he is.

20 Q. And as we know from earlier that he wasn't killed in the  
21 massacre. Right?

22 A. Correct.

23 Q. He was killed about a week later. Right? March 2nd,  
24 1994.

25 A. Yes.

1 Q. There is no distinction by date in this payment voucher  
2 document about whether he was killed at the massacre or  
3 whether he was killed in the aftermath, is there?

4 A. There is no date on there.

5 Q. Okay.

6 A. I mean, other than -- You are correct.

7 Q. The only dates in these documents are about when the  
8 payments were supposedly made to the families. Right?

9 A. Correct.

10 Q. And just sticking with this one for a second, this one  
11 says 1/23/94. Right?

12 A. It does.

13 Q. Which is actually an error in the translation.

14 MR. MYSLIWIEC: If we could go back to the first  
15 page and highlight the date in the top. It is the lower right  
16 hand corner of the top left hand voucher.

17 Q. (BY MR. MYSLIWIEC) See, it has an 11 there?

18 A. Yes.

19 Q. So it is really November?

20 A. It should be 11 instead of 1.

21 Q. And that is -- All of these vouchers have the same date.  
22 Right?

23 A. As I recall. I mean, it has been a while since I looked  
24 at the dates, but I think they all do. It would be easy  
25 enough to scroll through and look at them.

1 Q. And just going back to a point you raised about  
2 distinctions in amounts, these two people aren't the only  
3 people who got 900. Right?

4 A. That is correct.

5 Q. And in fact, this person here got 1350. Right?

6 A. He did.

7 Q. And you haven't presented any evidence about this person  
8 being connected to Hamas. Right?

9 A. That is correct.

10 Q. Or connected to Fatah. Right?

11 A. That is correct.

12 Q. Different people on this chart got different amounts of  
13 money.

14 A. There were six people that got more than 300 dollars or  
15 300 shekels.

16 Q. So different people on this chart got different amounts  
17 of money. Right?

18 A. That is correct.

19 Q. Now, also in these payment vouchers there is no evidence  
20 in the vouchers itself about whether the voucher is meant to  
21 be an example of a monthly payment that was given or whether  
22 the voucher is a one-time payment and that is the only time  
23 the payment was ever made. Right?

24 A. Not on the vouchers, but the final project report that  
25 was connected to this explains in better detail what the



1 payment vouchers were for.

2 Q. That is your view of the final report project, but in  
3 this set of vouchers itself it doesn't indicate whether or not  
4 it is an example of a monthly payment that was made over  
5 several months or whether it was just a one-time payment.  
6 Right?

7 A. The vouchers are receipts for payments, and it is one  
8 payment that these vouchers are receipts for.

9 Q. But it doesn't indicate whether or not it is meant to be  
10 an example or not. Just on this document itself it indicates  
11 one date. Right?

12 A. This document indicates one payment.

13 MR. MYSLIWIEC: Could we go to InfoCom Search No.  
14 90, please, page 6?

15 Q. (BY MR. MYSLIWIEC) Now, this was the list from al-Salah  
16 Society of people who it identified as being martyrs connected  
17 to the Ibrahimi massacre. Right?

18 A. Correct.

19 Q. Some of those people were killed at the massacre; some  
20 weren't. Right?

21 A. It says they fell in the Gaza Sector and --

22 Q. I am sorry. You are right. But there is nothing in this  
23 document indicating the date of when those people were killed.  
24 Right?

25 A. Not other than it was in the -- following the massacre,

1       which would have been after February 25th, 1994.

2       Q.     And that is how the document itself identifies these  
3       people.   Right?

4       A.     That is correct.

5       Q.     Okay.   Ms. Hollander asked you some questions again about  
6       Defense Exhibit No. 1349, which is that United Nations report.  
7       Right?

8       A.     Correct.

9       Q.     And the full report is over 80 pages long.   Right?

10      A.     I have not actually seen the full report, so I am not  
11      sure how many pages are in it.

12      Q.     And that report had to do with Israeli practices  
13      affecting human rights.   Right?

14      A.     That is what the title was.

15      Q.     And it lists -- Among other things, it lists people  
16      killed in the mosque massacre on page 20.   Right?

17      A.     Correct.

18      Q.     Okay.   And it lists additional pages naming and  
19      describing people who were killed.   Right?

20      A.     It does.

21      Q.     Four pages of names and descriptions after the list of  
22      mosque victims is where the three purported Hamas leaders'  
23      names are listed.   Right?

24      A.     I think approximately four pages later.

25      Q.     And that is also where the six Fatah names are listed.

1 Right?

2 A. Yes. Well, yeah. That was on the same page. Sorry.

3 MR. MYSLIWIEC: No further questions, Your Honor.

4 THE COURT: Counsel?

5 MR. JONAS: Briefly.

6 THE COURT: Yes.

7 REDIRECT EXAMINATION

8 By Mr. Jonas:

9 Q. Agent Burns, Ms. Moreno asked you about the videotape,  
10 specifically HLF Search No. 110 clip B, where the woman was  
11 asking for weapons, and at the end talks about, you know,  
12 "Don't let them come into our house." Do you recall how she  
13 said her son died?

14 A. She said he prepared and went out and was martyred.

15 Q. Did she say the Israelis came into her house?

16 A. No.

17 Q. Ms. Hollander asked you about the PA Document No. 2, the  
18 one that identifies Holy Land Foundation as giving money to  
19 Hamas.

20 A. Yes.

21 Q. And Ms. Hollander pointed out that there is a stipulation  
22 between the Government and the Defense that after the  
23 Philadelphia meeting Holy Land Foundation was publicly  
24 identified as being supportive of Hamas. Do you recall that?

25 A. I do.

1 Q. Okay. In the PA document did it identify other  
2 organizations that are related to the Holy Land Foundation as  
3 well as Hamas?

4 A. It does.

5 Q. Which two?

6 A. The IAP and the UASR.

7 Q. Has there been a stipulation between the Defense and the  
8 Government, as far as you know, that the IAP and UASR were  
9 publicly identified as being part of Hamas as well?

10 A. I am not aware of any stipulation.

11 Q. Are you aware, prior to this trial, if they were publicly  
12 identified as being part of Hamas back in the '90s?

13 A. I believe the IAP was identified in newspaper articles  
14 like the HLF was.

15 Q. What about the UASR?

16 A. I am not sure about them.

17 MR. JONAS: No further questions.

18 THE COURT: Ms. Moreno, any questions?

19 MS. MORENO: No, Your Honor.

20 MR. WESTFALL: I have no more, Your Honor.

21 MS. HOLLANDER: Nothing else, Your Honor.

22 MR. MYSLIWIEC: No, Your Honor.

23 THE COURT: Agent Burns, you may step down. You are  
24 free to go.

25 Call your next witness.

1 MR. JACKS: Call Jackie Northrup, Your Honor.

2 (Whereupon, the oath was administered by the Clerk.)

3 JACKIE NORTHRUP,

4 Testified on direct examination by Mr. Jacks as follows:

5 Q. Would you tell us your name, please?

6 A. Jackie Northrup.

7 Q. And spell your last name, please, for the record.

8 A. N-O-R-T-H-R-U-P.

9 Q. How you are employed?

10 A. I am employed by the Federal Bureau of Investigation.

11 Q. And how long have you worked for the FBI?

12 A. Thirteen years.

13 Q. What is your position with the FBI?

14 A. My title is information technology specialist, computer  
15 forensics examiner.

16 Q. And how long have you held that position with the FBI?

17 A. Eleven years.

18 Q. And in layman's terms can you tell us what you do in that  
19 position?

20 A. The position is basically the detailed forensic analysis  
21 of any digital media that is brought to the lab. We also  
22 assist in search warrants and assist any investigators in  
23 criminal matters.

24 Q. When you talk about digital media, can you give us  
25 examples of what you are talking about?

1 A. Any computers, floppies, CDs, cameras, cell phones,  
2 iPods, anything that can hold digital data.

3 Q. All right. What kind of training have you had for the  
4 position that you hold now?

5 A. The training started with the certification program. It  
6 consisted of about three weeks of classroom training, also  
7 with a proficiency test, and then months of on-the-job  
8 training with a certified examiner. Currently we have to take  
9 two weeks of forensics training a year, along with a  
10 proficiency test annually.

11 Q. And do you presently hold a certification from the FBI as  
12 a forensic examiner?

13 A. Yes, I do.

14 Q. Okay. And you said that every year you have to go back  
15 for additional continuing education or training?

16 A. Correct.

17 Q. Okay. What is CART? What does that acronym stand for?

18 A. CART stands for Computer Analysis Response Team.

19 Q. And is that a team within the FBI?

20 A. That is a unit within the FBI, yes.

21 Q. Are you a part of that team?

22 A. I am.

23 Q. And can you tell us, in your current job are you assigned  
24 to a particular part of the Dallas Division office of the FBI?

25 A. My current assignment is with the NTRCFL, which stands

1 for North Texas Regional Computer Forensics Laboratory.

2 Q. And that section, if you will, what is it set up to do or  
3 what is its function?

4 A. It is laboratory made up of local, state, and federal law  
5 enforcement personnel whose dedicated job is to conduct  
6 forensic analysis on any kind of digital media, and also  
7 assist investigators in search warrants.

8 Q. You said you have been doing this kind of forensic  
9 examination for how long?

10 A. About 11 years.

11 Q. And in that time period, have you testified before in  
12 court?

13 A. I have.

14 Q. As a forensic examiner?

15 A. Yes, I have.

16 Q. Do you ever train other individuals that come to work at  
17 the computer laboratory?

18 A. Yes, I do. I mean, we offer training classes, and I am  
19 also currently assigned to a new trainee as we speak.

20 Q. Okay. Ms. Northrup, did you perform forensic examination  
21 on computers that were seized as a result of the execution of  
22 search warrants on the Holy Land Foundation materials?

23 A. I did.

24 Q. And when you receive materials in the form of computers  
25 and that type of thing, how do you generally receive them?

1 A. Typically the investigator brings the computers to the  
2 lab.

3 Q. You indicated that on occasion you, and I assume other  
4 examiners, will go out when a search warrant is being  
5 executed. Is that correct?

6 A. That is correct.

7 Q. And can you tell us whether or not you did that in  
8 connection with this case, or whether the computers were  
9 simply brought to you after they had been seized in a search  
10 warrant?

11 A. I did not go out on-site to retrieve these computers.  
12 They were brought to us.

13 Q. Okay. And when -- Just generally. I am not asking you  
14 for an exact number. But approximately how many computers  
15 were brought to you, if you recall?

16 A. There were approximately 45 physical computers and about  
17 560, 570 pieces of loose media.

18 Q. Loose media being what?

19 A. CDs, floppies, tapes, thumb drives.

20 Q. Okay. The computers -- That would have been the total  
21 number of computers taken from the offices of the Holy Land  
22 Foundation. Is that your understanding?

23 A. That is my understanding.

24 Q. Okay. And can you tell us whether those computers were  
25 desktop, or laptop, or some combination thereof?



1 A. The majority of them were desktops. I believe there were  
2 a couple of laptops in there as well.

3 Q. All right. And when you get computers in such as that,  
4 what type of -- What do you do to start your analysis or to  
5 start your recordkeeping?

6 A. Well, originally when the computers are brought in, they  
7 are given a lab number, an NTRCFL, number and they are bar  
8 coded. Each individual item is given a unique bar code  
9 sticker, and then they are set aside into the evidence room.

10 Q. All right. Now, when you have, for example, a desktop  
11 computer, what part of it gets a bar code? Do you take it  
12 apart and give it a bar code?

13 A. No, we just put the sticker on the outside of the  
14 computer.

15 Q. All right. And what about monitors and keyboards and  
16 that kind of thing? Are they given --

17 A. No, we don't review those.

18 Q. All right. Are monitors and keyboards even brought to  
19 your office or department?

20 A. Typically not.

21 Q. Okay. Is that because there is no need -- there is  
22 nothing to examine with regard to those?

23 A. That is correct.

24 Q. With regard to the -- What is the term for the part that  
25 you examined? What is the terminology or acronym for the part

1     that you actually examine of a computer?

2     A.    The hard drive, hard disk drive.

3     Q.    Is there a term for the box that it comes in or that it  
4    is located in?

5     A.    We refer to that as the computer or a CPU.

6     Q.    What does CPU stand for?

7     A.    Central processing unit.

8     Q.    Central processing unit?  So do you -- Let me just for  
9    clarification, is the hard drive located inside the CPU?

10    A.    That is correct.

11    Q.    And when you begin to work with the hard drive, do you  
12   leave it in the CPU, or do you unplug it and take it out of  
13   the CPU?

14    A.    Its depends upon the computer.  I believe in this case I  
15   left the hard drive in.  But what happens is I get the  
16   computer, I do all the documentation on it, I record the make,  
17   model, serial number of the machine, I open the case, I record  
18   the hard drive information, the make, and the serial number.  
19   Sometimes I take the hard drive out to process it and  
20   sometimes I leave it in there to make the copy.

21    Q.    Okay.  Now, you said that you record certain information  
22   from these CPUs and from the hard drives.  With regard to a  
23   CPU, if don't mind telling us again, what information do you  
24   at attempt to record?

25    A.    The make, the model, and the serial number.

1 Q. And in your experience do all computers have a unique  
2 serial number that is unique to them?

3 A. Not all of them, no.

4 Q. With respect to those that are manufactured by a brand or  
5 company, do those have unique serial numbers?

6 A. Typically they do. I mean, the known makers, like Dell  
7 or IBM, they will have a make, model, or serial number.  
8 Sometimes we get machines that are homemade. We call them a  
9 generic machine or a clone machine. And they don't have a  
10 serial number recorded on them.

11 Q. With regard to the computers that you examined in this  
12 case, were they all brand names like Dell or Hewlett-Packard  
13 or Compaq or whatever, or were these clone or generic or some  
14 combination thereof?

15 A. They were a combination. If I recall, most of them were  
16 generic.

17 Q. And generally what is indicated when you see a computer  
18 that is not a name brand, if you will, or a generic as you  
19 have described it, what is that indicative of?

20 A. It usually tells me that it has been made by someone, put  
21 together by someone, all the pieces were put together to make  
22 the computer work.

23 Q. And I take it that it is possible for individuals to go  
24 either to a retail place and buy these parts and put their own  
25 computer together?

1 A. Yes, that is true.

2 Q. You also talked about the hard drives and the information  
3 that you record off the hard drives. And again, if you don't  
4 mind saying, what was that information that you try to record?

5 A. I record the maker of the hard drive and the serial  
6 number.

7 Q. And do most hard drives have a brand name on them?

8 A. They do.

9 Q. And as far as in case a person doesn't know, a hard  
10 drive, what does it look like, an internal hard drive that you  
11 are talking about in this case?

12 A. It is like a six by three square silver box.

13 Q. And inside of that are there just circuits?

14 A. There is platters.

15 Q. But is it self-contained within that particular box?

16 A. It is self-contained.

17 Q. After you have recorded this information -- And by the  
18 way, do you do that for as many CPUs and hard drives as are  
19 presented to you?

20 A. Yes, I record every single CPU and hard drive.

21 Q. Okay. And after you have done that, do you begin your  
22 examination, or at some point after that do you begin your  
23 examination?

24 A. No. The next step would be making a mirror image copy.

25 Q. And what does that involve or what does that mean?

1 A. It is just making a duplicate copy of the physical hard  
2 drive itself, just a bit-for-bit image. Every data that is on  
3 that hard drive gets copied off.

4 Q. And what is one of the reasons that you do that?

5 A. Just to get an exact duplication of what was on that  
6 machine.

7 Q. The original hard drive that was in that computer when it  
8 is brought to you, is it changed in any way by making this  
9 mirror image hard drive?

10 A. No. There are no changes made, there are no writes made  
11 to the hard drive during the imagining process.

12 Q. When you say writes, are you talking about W-R-I-T-E-S?

13 A. W-R-I-T-E-S, yes.

14 Q. Is it by design or on purpose that you do not change  
15 anything on the original hard drive?

16 A. It is by design.

17 Q. And when you say that you make a mirror image, what is  
18 that mirror image contained on or within?

19 A. Well, in this case it was written to a tape drive, and  
20 the tape drive was used as our archive copy.

21 Q. And when you say archive copy, what does that refer to?

22 A. It is considered our best evidence at this point. We  
23 keep it in our evidence room and it is just our -- We work off  
24 that copy. After I make the image, I put the original  
25 computer machine back up and then do everything else off that

1 tape drive.

2 Q. And just if you don't mind, just describe what the tape  
3 drive would look like, if you could, to a layperson. What  
4 would it resemble or look like?

5 A. The actual tape itself, it looks like a cassette tape.

6 Q. And is it bigger or a different size than a cassette tape  
7 that you might play in your automobile?

8 A. It is probably a little bit smaller.

9 Q. Okay. And you said once that archive is created that is  
10 the copy that you work from?

11 A. Yes.

12 Q. And what do you do to perform your forensic analysis with  
13 regard to that archive copy?

14 A. Well, I take the archive tape and I copy all of the data  
15 from the tape to one of our forensic workstations.

16 Q. Is that just another computer?

17 A. It is just another one of our computers at the office,  
18 yes.

19 Q. Okay.

20 A. And from there I run it through a forensic program that  
21 kind of sorts through the data in preparation for the  
22 analysis.

23 Q. Now, the data, if you will--and you have talked about  
24 this software that sorts the data--what kind of types of data  
25 might you find on a typical computer?

1 A. Well, there is all kinds of types, but this particular  
2 type of program sorts mainly by graphic files, document files,  
3 databases, spreadsheets, and emails.

4 Q. Emails would be electronic mails that were either sent to  
5 or from that computer?

6 A. Correct.

7 Q. And you said there were spreadsheets? That was one type?

8 A. Uh-huh.

9 Q. And document files?

10 A. Document files.

11 Q. What would document files be like?

12 A. A Word document, a WordPerfect document, HTML file, RTF  
13 file.

14 Q. Okay. And then you said it would sort graphic files into  
15 one group. Is that correct?

16 A. That is correct.

17 Q. And a graphic file would be what?

18 A. Anything that you can view graphic, like a JPEG, a JIF,  
19 those are graphic file types. A picture.

20 Q. A picture. Okay. Anything other than pictures that  
21 would be lumped into the graphic files or might be sorted by  
22 this software and put into the graphic file section?

23 A. Can you repeat that?

24 Q. Anything other than pictures that would be put in there?

25 A. No.

1 Q. And so you -- Did you use this software to sort the  
2 information that was on these various hard drives?

3 A. I did.

4 Q. Okay. And did you subsequently -- Were there, with  
5 regard to these computers, graphic files or photographs,  
6 pictures, that were located on these computers?

7 A. There were graphic files and pictures located on these  
8 computers, yes.

9 Q. And did you make that work product, if you will, that  
10 information, available to the agents that were working on this  
11 investigation?

12 A. I did.

13 Q. Okay. And in the course of your analysis, did you break  
14 down those graphic files according to which computer they  
15 would have been found on or which hard drive they would have  
16 been found on?

17 A. Yes, I did. Each process that is done, it is done by  
18 individual computer, so each set is its own -- it is only on  
19 that one computer.

20 Q. So if you had a computer from the Holy Land Foundation  
21 Dallas office, and after this software -- if it was run  
22 through this software, it would sort out these files into  
23 various categories, including these graphic files. Is that  
24 correct?

25 A. That is correct.



1 Q. Just generally with regard to all of these computers, did  
2 you find -- If you recall, did you find graphic files or  
3 pictures on virtually all of these computers?

4 A. Pretty much, yes, as I recall.

5 Q. The hard drives or the computers that you took from these  
6 different offices, not that you took from these different  
7 offices but that were taken from these different offices, did  
8 you give them a number so that you could keep track of which  
9 one you were looking at?

10 A. As part of the documentation process when I am  
11 documenting all of the attributes of the computer, I assign  
12 each physical machine what we call a Q number. And Q stands  
13 for questioned item, and starting with Q-1 to however many  
14 machines there are.

15 Q. And were there other letters in that number that you  
16 would put in there to identify it or distinguish it?

17 A. Yeah. Typically we refer to them as Qs, but we define  
18 them on our reports as QDL. And DL stands for Dallas.

19 Q. Just to indicate that this work is being done in the  
20 Dallas FBI office?

21 A. That is correct.

22 MR. JACKS: May I approach the witness, Your Honor?

23 THE COURT: Yes.

24 Q. (BY MR. JACKS) Ms. Northrup, I am going to hand you what  
25 has been marked for identification purposes as Government's

1 Exhibit No. HLF Search No. 47, Government's Exhibit HLF Search  
2 No. 50, and Government's Exhibit HLF Search No. 51.

3 A. Okay.

4 Q. And let me ask you, first of all, have you seen these  
5 three exhibits before today?

6 A. I have.

7 Q. And do they appear to be photo albums, three separate  
8 photo albums?

9 A. They are.

10 Q. And do they contain individual photographs that are  
11 inserted into clear plastic sleeves?

12 A. They are.

13 Q. Okay. And let me just take these one at a time.

14 With regard to HLF Search No. 47, can you tell us the  
15 photographs contained within this exhibit, were they located  
16 on certain of the computers that you examined? Or the hard  
17 drives, I should say.

18 A. They were.

19 Q. Okay. And this exhibit, HLF Search No. 47, these  
20 photographs came from what computers?

21 A. They came from computer Q-17, Q-21, Q-22, Q-23-1, Q-24-1,  
22 Q-24-2, Q-31, Q-34, Q-36, Q-37, and Q-38.

23 Q. Now, that collection of computers or hard drives was  
24 located in what office?

25 A. In the Dallas office.

1 Q. Of the Holy Land Foundation?

2 A. Yes.

3 Q. Okay. And were you -- Are these pictures, when you found  
4 them obviously they were in electronic format on the computer.

5 Is that correct?

6 A. That is correct.

7 Q. And were you able to print them out, or was someone able  
8 to print them out?

9 A. Yes, they were actually put on a CD ROM and given to the  
10 investigator and the investigator printed them out, and then I  
11 reviewed the pictures after they were printed.

12 Q. Okay. So you have, since they were printed out, looked  
13 at these photographs in this book and made sure that they were  
14 actually on these computers, these respective computers?

15 A. I have verified each picture, yes.

16 Q. Okay. Let me move to HLF Search No. 50 and ask you, does  
17 this exhibit contain photographs? And if so, again are they  
18 individual photographs that are inserted in clear plastic  
19 sleeves in this photo album?

20 A. Yes, they are.

21 Q. And these particular photographs, where were they found?  
22 On which computer or hard drive were they found?

23 A. On Q-42.

24 Q. And Q-42 is a computer from what FBI office?

25 A. Newark.

1 Q. All right. And just -- Would that be the HLF New Jersey  
2 office? Is that what was represented to you?

3 A. All I know is they came from Newark, yes.

4 Q. Okay. And is Newark where the FBI office is that covers  
5 New Jersey?

6 A. Yes.

7 Q. Okay. Let me show you HLF Search No. 51. And again,  
8 does this exhibit -- is it a photo album and does it contain a  
9 series of photographs that are printed out and then placed  
10 into individual clear plastic sleeves?

11 A. Yes, they are.

12 Q. And let me ask you, just keep your voice up, if you  
13 would, even though I am stand right here.

14 These photographs in HLF Search No. 51, what computers  
15 did they come from?

16 A. Q-40 and Q-41.

17 Q. And those computers were located where?

18 A. Chicago.

19 MR. JACKS: Judge, we move the admission of HLF  
20 Search No. 47, 50, and 51.

21 MS. DUNCAN: Your Honor, may we approach for just a  
22 moment?

23 THE COURT: Sure.

24 (The following was had outside the hearing of the  
25 jury.)

1 MS. DUNCAN: We just object generally speaking on  
2 relevance grounds and also 403.

3 There was one photograph that I pointed out to Mr. Jacks  
4 that we have a specific 403 objection to.

5 MR. JACKS: I just marked it for your -- It is  
6 not --

7 MS. DUNCAN: The Government has pulled out -- Our  
8 objection is basically the name here. It shows "Arab America,  
9 September 18th, 2001." Given the proximity of the date to  
10 September 11th, whatever probative value these images may have  
11 is vastly outweighed by the risk of unfair prejudice by that  
12 photo, and coupled with the file name.

13 MR. JACKS: Judge, I don't know that the Government  
14 was going to highlight that, but it has an Israeli flag and it  
15 has also got an American flag. And again, it is the materials  
16 that they, you know, looked at and downloaded. So to try to  
17 filter it out -- We have already taken out all the pictures of  
18 bin Laden, all the pictures -- I just think this shouldn't be  
19 removed.

20 This is from, by the way, the Chicago office.

21 MR. WESTFALL: I mean, I think -- They have obvious  
22 weaknesses. I mean, they can't trace them to any particular  
23 person or anything like that. They were found in the Holy  
24 Land Foundation's computers. I mean, I think there are  
25 certainly 403 issues and, you know, I thought that was kind of

1 the basis of the objection.

2 THE COURT: She made that objection.

3 MR. WESTFALL: Of course, burning American flags and  
4 stuff --

5 MS. DUNCAN: There are other images in here also,  
6 the burning American flags that we object to. This one in  
7 particular I wanted to draw your attention to because of its  
8 proximity to September 11th.

9 MR. WESTFALL: We probably have had enough of that.

10 MS. DUNCAN: We definitely have.

11 THE COURT: And that is -- The caption that was on  
12 the picture is what was on the computer?

13 MR. JACKS: Yes.

14 MS. DUNCAN: We also note there is no evidence of  
15 who gave that name to that file.

16 MS. HOLLANDER: That is all hearsay, I assume.

17 THE COURT: Well, except it is off of HLF records.  
18 If it was somewhere else maybe, but it is all off of HLF  
19 records and computers. Right?

20 MR. JACKS: Yes, sir.

21 THE COURT: And that is why I have let them in  
22 before. I will overrule the objection. No. 47, 50, and 51  
23 are admitted.

24 Jim, how much longer do you have on your direct?

25 MR. JACKS: Maybe five or ten minutes.

1 THE COURT: Okay. Are you all expecting much cross?

2 MR. WESTFALL: I will be crossing her, and it might  
3 be 20 or 30 minutes.

4 THE COURT: I was trying to do it before lunch so we  
5 could start with --

6 MR. JACKS: You know, I would rather not pass her.  
7 If we can just break for lunch and I will finish with her just  
8 to make sure -- I mean, if that is okay with you.

9 THE COURT: Are you ready to break now, then?

10 MR. JACKS: Sure.

11 (The following was had in the presence and hearing  
12 of the jury.)

13 THE COURT: Members of the jury, let's go ahead and  
14 take the lunch break here. Be back at 2:00.

15 (Whereupon, the jury left the courtroom.)

16 THE COURT: We will be in recess until 2:00.

17 (Lunch recess.)

18 THE COURT: Let me ask counsel to approach the  
19 bench.

20 (The following was had outside the hearing of the  
21 jury.)

22 THE COURT: On that picture, burning the American  
23 flag, I want to ask that you remove that caption, that 9/18/01  
24 the Arab-American 9/18/01. If you will remember that. The  
25 picture is fine, but that is just too close to 9/11. The jury

1 will be thinking about things that they shouldn't be thinking  
2 about. So if you will remove that.

3 (The following was had in the presence and hearing  
4 of the jury.)

5 THE COURT: Mr. Jacks?

6 MR. JACKS: Thank you, Your Honor.

7 Q. (BY MR. JACKS) Ms. Northrup, I think before we broke for  
8 lunch we had admitted --

9 MR. JACKS: Judge, I just want to make sure that  
10 these photo albums have been admitted.

11 THE COURT: No. 47, 50, and 51, yes, sir, those are  
12 admitted.

13 Q. (BY MR. JACKS) Ms. Northrup, you had testified before  
14 lunch as to each one of these photo albums, which office they  
15 reportedly came from, whether it be a Dallas, the Dallas  
16 office computer, a Chicago office computer, or a New Jersey  
17 office computer. Is that correct?

18 A. That is correct.

19 Q. Okay. And the exhibits as to -- And I believe you  
20 testified to this. As to the Dallas office, these exhibits  
21 came from 11 computers. Correct?

22 A. Correct.

23 Q. And as to the New Jersey office, they came from one  
24 computer?

25 A. That is correct.



1 Q. And as to the photographs from the Chicago office  
2 computers, they came from two computers. Correct?

3 A. Yes.

4 Q. Now, these photographs, where were they found in the  
5 computer? What kinds of files were they found within? You  
6 said graphic files?

7 A. They were graphic files, yes. They were found in a  
8 folder called "temporary internet files."

9 Q. Okay. And does this mean that these photographs would  
10 have been originally something that was on the internet?

11 A. That is correct.

12 Q. And is it possible that these photographs would have been  
13 printed out or otherwise used by whoever accessed them on the  
14 internet?

15 MS. HOLLANDER: Objection, Your Honor. I object to  
16 speculation.

17 THE COURT: Overruled. Go ahead.

18 THE WITNESS: The photos could be printed out, yes.

19 Q. (BY MR. JACKS) And in fact, that is what you did, or the  
20 investigators did. Is that correct?

21 A. That is correct.

22 Q. And the photographs as they appear in these photo albums,  
23 are they exactly as they appeared in electronic format on the  
24 computer?

25 A. Yes, they are.

1 Q. Was anything done to them to change them in any way from  
2 the way that they appeared on the computer?

3 A. They were not altered in any way, no.

4 Q. With respect to the various computers that you examined,  
5 are there things you can look at that might indicate who was a  
6 particular user of that computer?

7 A. Yes. On each computer there is a few places that you can  
8 look to determine maybe who the user or users might be of that  
9 computer.

10 Q. And what are some of those places that you would look if  
11 you were trying to determine okay, whose computer was this?

12 A. The first place that I would look would be in Windows,  
13 the Windows users that were set up. There is also network  
14 users that might be defined on there. And there is also email  
15 that you could look at to see who might be emailing on that  
16 computer.

17 Q. All right. Let me go to the first category that you  
18 talked about, Windows user. And when would that information  
19 and how would that information be put onto the computer?

20 A. Typically in Windows -- Initially when you set the  
21 Windows application up, you can define a user, but there is  
22 also a place in "control panel" where you can go in and add  
23 users at any time.

24 Q. Okay. So, if the person just, for example, has a  
25 computer at home and they want to set it up for the husband

1 and the wife and the children to use it, can they all be  
2 registered as users of that computer in Windows?

3 A. Yes, they can.

4 Q. Okay. You said a second way was -- I am sorry. What was  
5 the second way?

6 A. Another way was network definitions. These computers  
7 appeared to be connected to a network, just from the files  
8 that I looked at on them, so there was network information out  
9 there.

10 Q. Okay. And so that would be if more than one computer  
11 were tied in with other computers. Is that correct?

12 A. That is correct.

13 Q. And so people -- Are you talking about where people would  
14 simply have a name, either if it is an email name or whatever,  
15 or is it separate and apart from an email name?

16 A. It is typically separate, but they could use the same  
17 name. I mean, it could be a given name. It could be like a  
18 workstation I.D.

19 Q. Okay.

20 A. A name or a number.

21 Q. So that when you logged onto your computer in the  
22 morning, you would enter your I.D. name?

23 A. Correct.

24 Q. And you said the third category that you could look at  
25 would be the email category. Is that correct?

1 A. That is correct.

2 Q. And what about -- What would you look at in the email  
3 category that might give you a clue as to who used this  
4 computer most of the time?

5 A. You could look in the inbox and just see who all the  
6 emails are to, or you could look in the sent folder to see who  
7 sent the emailed item.

8 Q. Okay. Let me just ask you about -- And I think you have  
9 some notes, do you not?

10 A. Correct.

11 Q. And you said that the way that you would separate your  
12 identity of these computers or hard drives, you would give  
13 them a unique number. Is that correct?

14 A. That is correct; a Q number.

15 Q. I just want to ask you -- For example, let me ask you  
16 about QDL No. 17. And is that a computer from the Dallas  
17 office?

18 A. Yes, it is.

19 Q. And was there a registered -- first of all, a registered  
20 organization for that computer?

21 A. Yes.

22 Q. Who was that?

23 A. The registered organization was HLF.

24 Q. And was there a registered owner of that computer in  
25 terms of who registered as the user of that computer?

1 A. Yes. The registered owner was Ibrahim.

2 Q. Just that first name?

3 A. Yes.

4 Q. Okay. And then as far as -- Were there users that were  
5 listed on that computer?

6 A. There were.

7 Q. Okay. And can you just give us the three names, the  
8 three most common names that you found?

9 A. There was Haitham, Hayman, and Ibrahim.

10 Q. Okay. Let me ask you to look at QDL No. 21. Is that  
11 also a computer from Dallas?

12 A. Yes, it is.

13 Q. And the registered organization, was that Holy Land  
14 Foundation?

15 A. It was Holy Land Foundation, yes.

16 Q. And as far as the registered owner or individual, what  
17 name was registered?

18 A. Ayman, A-Y-M-A-N.

19 Q. And as far as the users what name did you find there as a  
20 user registered?

21 A. The user was Ayman.

22 Q. And Let me ask you, if you would, turn to QDL No. 24-1.  
23 And was that also a computer from the Dallas office?

24 A. That was a Dallas computer.

25 Q. And the registered organization?

1 A. HLF.

2 Q. And the registered owner, according to what was entered?

3 A. Akram.

4 Q. And who was the network login name? In whose name was  
5 the network login name under?

6 A. Akram.

7 Q. Let me ask you about -- If you would, turn to QDL No. 36.  
8 Was that also a computer from the Dallas office?

9 A. Yes.

10 Q. The registered organization for that computer?

11 A. QDL No. 37?

12 Q. No. 36?

13 A. The registered organization is Holy Land Foundation.

14 Q. And the registered owner, according to whatever was put  
15 in there?

16 A. HLF.

17 Q. Okay. And QDL No. 37, let me ask you about that. Was  
18 that also a computer from the Dallas office?

19 A. It was.

20 Q. And who was the registered user for that computer?

21 A. Haitham.

22 Q. And with regard to the QDL No. 40, which I belief came  
23 from the Chicago office. Is that correct?

24 A. That is correct.

25 Q. And who was shown as the registered owner of that

1 computer?

2 A. I am going to spell it because I can't pronounce it. It  
3 is K-I-F-A-H, and the last name of M-U-S-T-A-P-H-A.

4 Q. And did you also find email accounts in that first name  
5 Kifah or Kifah Mustapha?

6 A. I did, yes.

7 Q. QDL No. 41, also from Chicago, who was the registered  
8 owner recorded on that computer?

9 A. The registered owner was HLF.

10 Q. And the name below that or the person that was shown to  
11 be the user?

12 A. The registered owner is Kifah, K-I-F-A-H.

13 Q. Okay. I think you may have answered both, but the HLF  
14 was carried as what on that computer?

15 A. Excuse me?

16 Q. The HLF was -- That name was carried as what?

17 A. The HLF was the registered organization.

18 Q. Okay. And the registered owner was Kifah?

19 A. The registered owner was Kifah.

20 Q. And let me direct your attention to QDL No. 42. And that  
21 was the New Jersey computer?

22 A. That is correct.

23 Q. And as far as the registered organization, was there any  
24 name entered for that?

25 A. No, there was not.

1 Q. Okay. As far as the registered owner, was there any  
2 unique name entered for that?

3 A. The registered owner was defined as "user."

4 Q. Just U-S-E-R?

5 A. Correct.

6 Q. Do you know if that is a default name, or is that just a  
7 name that somebody would have to type in?

8 A. That is a name that somebody would have to type in.

9 Q. Okay. As far as email accounts, did you find the record  
10 of any email accounts on the New Jersey computer?

11 A. I did, yes.

12 Q. And if you would, just what type of email accounts were  
13 they?

14 A. These were AOL.

15 Q. And what was the first one you found?

16 A. Broly space Odeh space 2002.

17 Q. Broly being B-R-O-L-Y?

18 A. Correct.

19 Q. Then space, and then Odeh, O-D-E-H?

20 A. Correct.

21 Q. Okay. And then what it was next one you found?

22 A. The second one was Monkey space Bunker, 201.

23 Q. Okay. Monkey, just M-O-N-K-E-Y?

24 A. Correct.

25 Q. Space B-U-N-K-E-R, 201?



1 A. Correct.

2 Q. What was the other one, if any, that you found?

3 A. Monkey bunker 206.

4 Q. And then were there any others?

5 A. The last one was AOdeh.

6 Q. A-O-D-E-H?

7 A. Correct.

8 Q. And those were all AOL accounts?

9 A. Those were all AOL accounts.

10 Q. What would the name represent as far as the AOL account?

11 A. Typically their user I.D.

12 Q. Okay. The photographs that are contained within these  
13 respective photo albums, are they all of the photographs that  
14 were found on those computers or just a part?

15 A. They were a very small part.

16 MR. JACKS: May I have a moment, Your Honor?

17 THE COURT: Yes.

18 Q. (BY MR. JACKS) Ms. Northrup, lastly, were there --  
19 Directing your attention to the Dallas computers, and were  
20 there computers within the Dallas office that either had a  
21 generic name or did not have a specific individual's name  
22 attached to them as either an owner or a user?

23 A. Are you asking just from the Qs that we have gone over  
24 today?

25 Q. Yes.

1 A. May I look at my notes?

2 Q. Sure.

3 A. And repeat the question, please.

4 Q. Yes. Were some of the computers that we have gone over  
5 today, did some of them not have a specific individual listed  
6 as either the registered organization or registered owner or  
7 user?

8 A. That is correct.

9 Q. Okay.

10 MR. JACKS: I pass the witness.

11 THE COURT: Mr. Westfall?

12 MR. WESTFALL: Yes, sir.

13 CROSS EXAMINATION

14 By Mr. Westfall:

15 Q. Hello, Ms. Northrup.

16 A. Hello.

17 MR. WESTFALL: Your Honor, may I approach?

18 THE COURT: Yes.

19 Q. (BY MR. WESTFALL) Okay. I have now placed in front of  
20 you what is marked for identification as Defendants No. 1406  
21 and Defendants No. 1407. First of all, do those look like  
22 documents that you created?

23 A. Only one of them.

24 Q. Which one did you create?

25 A. The spreadsheet.

1 Q. The spreadsheet?

2 A. Uh-huh.

3 Q. Okay. And that would be No. 1407?

4 A. That is correct.

5 Q. Now, No. 1407 pretty much --

6 MR. WESTFALL: Well, let me just offer it, Your  
7 Honor. We offer Defendants No. 1407.

8 THE COURT: Counsel?

9 MR. JACKS: We haven't seen the relevancy shown yet.  
10 All that is in the record is it is a document she created.

11 THE COURT: Do you want to establish that?

12 MR. WESTFALL: Yes.

13 Q. (BY MR. WESTFALL) This document here, does it pertain to  
14 the computers that you analyzed?

15 A. It does.

16 Q. And does it contain a good deal of information about the  
17 computers that you analyzed?

18 A. It does.

19 Q. Including serial numbers and QDL number?

20 A. Correct.

21 Q. And does it in fact encompass all of the computers and  
22 the media that you analyzed in connection with this case?

23 A. Yes.

24 MR. WESTFALL: Your Honor, we offer No. 1407.

25 THE COURT: Counsel?

1 MR. JACKS: No objection.

2 THE COURT: Admitted.

3 Q. (BY MR. WESTFALL) Now, No. 1406, is this a document that  
4 you relied upon in your testimony today?

5 A. Yes, it was partly -- It was created by one of the  
6 investigators. It was kind of a guideline.

7 Q. Right. And it also discusses the Q numbers and the  
8 particular places where you found images, I guess?

9 A. Correct.

10 Q. Okay. And those are computers which are contained on  
11 No. 1407?

12 A. Correct.

13 MR. WESTFALL: Your Honor, we offer No. 1406.

14 THE COURT: Mr. Jacks?

15 MR. JACKS: No objection, Your Honor.

16 THE COURT: Admitted.

17 MR. WESTFALL: Thank you.

18 Q. (BY MR. WESTFALL) Now, this is Defendants No. 1407, and  
19 this is the one you said you created. Right?

20 A. Correct.

21 Q. And over here these are the QDL numbers running down this  
22 way?

23 A. On the right hand side?

24 Q. Yes. Can you see that?

25 A. I can, but no, that is not.

1 Q. These are over here. I am on the left hand side.

2 A. Yes, the left hand side. I am sorry.

3 Q. Right as I am standing here. The left hand side.

4 A. Correct.

5 Q. And then these are the drives. Right? The size of the  
6 drives?

7 A. That is correct.

8 Q. And these are the CPU types. You discussed a little bit  
9 about that.

10 A. Correct.

11 Q. And then this here, this generic, this is what you were  
12 talking about on ones that might have been just made by parts  
13 that you would buy at Frye's or something. Right?

14 A. Correct.

15 Q. This is one of your numbers. Right? The bar code?

16 A. That is correct.

17 Q. But then here is the type of drive that was found in each  
18 computer, if the computer had a drive.

19 A. Correct.

20 Q. And then the drive serial number is here. Right?

21 A. Yes.

22 Q. And every single one of those drives of course had a  
23 unique serial number?

24 A. Yes.

25 Q. And then from those computers I show you now No. 1416.

1     These highlighted numbers are the ones that had images that  
2     are made a part of those three exhibits.   Right?

3     A.    Correct.

4     Q.    And --

5           THE COURT:   I believe you said 1416.

6           MR. WESTFALL:   No. 1406.   I am sorry.

7     Q.    (BY MR. WESTFALL)   All these that say HLF Richardson next  
8     to them, these are the numbers that make up that exhibit, the  
9     HLF Richardson, HLF Dallas exhibit, which is HLF Search  
10    No. 47.

11    A.    Correct.

12    Q.    And then this is HLF Chicago.   These are the two  
13    computers that make up that.   Right?

14    A.    Yes.

15    Q.    And then this is the one computer that makes up the  
16    Newark package.   Correct?

17    A.    Yes.

18           MR. WESTFALL:   May I approach?

19           THE COURT:   Yes.

20    Q.    (BY MR. WESTFALL)   Now, Ms. Northrup, I want to talk a  
21    little bit about temporary internet files.   And I have laid  
22    before you what I intend to offer as a demonstrative exhibit,  
23    Defendants' No. 1408.   And in explaining what temporary  
24    internet files are for the jury and how they come onto the  
25    computer and exactly what they are, would this image here help

1 us to make that understood?

2 A. It would be an example of a web page, yes.

3 Q. Okay. So yes?

4 A. Yes.

5 Q. All right.

6 MR. WESTFALL: Your Honor, I will offer Defendants'  
7 No. 1408 as a demonstrative.

8 MR. JACKS: No objection, Your Honor.

9 THE COURT: Admitted.

10 Q. (BY MR. WESTFALL) I had it in color, but we will just  
11 use it in black and white.

12 MR. WESTFALL: So can I have the elmo back?

13 Q. (BY MR. WESTFALL) Okay. Defendants' No. 1408 is eBay.  
14 Now, when we talk about temporary internet files, these  
15 are -- Temporary internet files are made by Internet Explorer.  
16 Isn't that true?

17 A. They are files that are copied from Internet Explorer.

18 Q. Right. Right. And they load automatically when you go  
19 to a website?

20 A. The page loads and the files copy down.

21 Q. Right. Images that would be captured in these temporary  
22 internet files are like this stuff. Right?

23 A. Yes, that could be considered as an image.

24 Q. And even the little eBay thing could be considered an  
25 image?

1 A. Correct.

2 Q. And this little deal over here and the thing that says  
3 "search," those could all be images, couldn't they?

4 A. That is correct.

5 Q. A component part of a website, all of the -- virtually  
6 all of the little inset things in here are images of some  
7 sort.

8 A. It depends on how the page is coded, but yes, it could  
9 be.

10 Q. Right. And you know, if it is a moving image then it  
11 could be like a little flash video or something like that?

12 A. Correct.

13 Q. But those get downloaded also, don't they?

14 A. They get copied, yes.

15 Q. Then the actual outline of the page and possibly the text  
16 will be what is called the HTML?

17 A. That is correct.

18 Q. What is HTML?

19 A. Hyper text mark-up language.

20 Q. And that forms kind of the skeleton of the web page.

21 A. That is correct.

22 Q. And then you put your images in it?

23 A. That is correct.

24 Q. And the reason why Internet Explorer does this is so that  
25 if you go to the web page on one day and then you go to it the



1 next day, the next day it will come up faster.

2 A. It is used for speed and efficiency. Correct.

3 Q. That is why our home page comes up faster than any other  
4 page if with we are using Internet Explorer.

5 A. That is correct.

6 Q. So if we went to eBay today and pulled this up and then  
7 went back tomorrow, the only things that would be changed  
8 would be only the things that have changed in the last 24  
9 hours would be redownloaded into our computer?

10 A. It would be redownloaded unless the user hit the refresh  
11 button.

12 Q. Assuming we don't hit the refresh button, we go back to  
13 the web page, and that is the way it becomes more efficient.  
14 It doesn't have to repeat all those steps.

15 A. Yes. It takes the files from the temporary internet  
16 folder instead of going out to the web server.

17 Q. And this process here that the computer goes through,  
18 this is different than downloading, isn't it?

19 A. Correct.

20 Q. If it is downloading, you actually have to go through  
21 some procedure to make the file come down into your computer.

22 A. Correct.

23 Q. Whereas this -- What you do, you go to the website and it  
24 automatically comes into your computer.

25 A. That is true.

1 Q. Once these come into the website, now, Internet Explorer  
2 re-collates the folders for them, doesn't it?

3 A. Yes.

4 Q. And these folders are also created automatically?

5 A. Correct.

6 Q. And the folders are assigned I guess like random names?

7 A. That is true.

8 Q. And there can be a dozen or so of these folders,  
9 potentially more, on a computer, can't there?

10 A. Yes.

11 Q. And these folders seem to have somewhere between 1,000  
12 and 1500 or so things in each one of them.

13 A. I haven't counted, but yeah, there is quite a bit.

14 Q. Would 1,000 to 1500 sound reasonable for what one of  
15 these folders can hold?

16 A. That would sound reasonable, yes.

17 Q. And within those 1,000 to 1500 things in each folder,  
18 there would be a good number of images, JPEG, bitmaps, and  
19 whatever the other one is you said. Right?

20 A. Correct.

21 Q. Now, you have seen obviously these pictures.

22 A. Yes.

23 MR. WESTFALL: I want to publish these pictures.

24 May I do that?

25 Q. (BY MR. WESTFALL) You all didn't show these to the jury,

1 did you?

2 A. Not that I am aware of.

3 Q. These are the contents of HLF Search No. 50. Do these  
4 mean anything to you without what the agents have said? Would  
5 these pictures mean anything to you?

6 A. They don't mean anything to me, no.

7 Q. Now, as I count it, there is 11 pictures contained in  
8 this exhibit.

9 A. Okay.

10 Q. I am showing you now what is in evidence as HLF No. 51.  
11 These are in the Chicago pictures. Let me just pull this one  
12 page out. Are you familiar with this picture?

13 A. I have seen it in the folder, yes, in the photo album.

14 Q. And that was pulled off the Chicago computer. Right?  
15 One of the Chicago computers.

16 A. Correct.

17 Q. Now, I have another report you did, or I have some more  
18 of this material if you need to refresh your recollection, but  
19 tell me this. It seems to me that every single picture that  
20 is in this is one of these temporary internet files. Is that  
21 true?

22 A. That is correct.

23 MR. WESTFALL: May I approach, Your Honor?

24 THE COURT: Yes.

25 Q. (BY MR. WESTFALL) Now, is this -- I put before you

1 Defendants' No. 1405.

2 A. Correct.

3 Q. And is this the part of this No. 1406 that applies to  
4 QDL-42?

5 A. Correct.

6 Q. And these are the actual images that are in this exhibit,  
7 the HLF exhibit, which is No. 50 I guess, pertaining to  
8 Newark. Correct?

9 A. It is Newark, yes.

10 MR. WESTFALL: Your Honor, I offer Defendants  
11 No. 1405.

12 MR. JACKS: Your Honor, may we approach?

13 THE COURT: Yes.

14 (The following was had outside the hearing of the  
15 jury.)

16 MR. JACKS: I am not sure what the purpose of this  
17 is, but if it is to show the limited number of pictures from  
18 this computer, that is misleading, because there are a lot of  
19 pictures that the Court has directed us to take out. And so I  
20 am just I am concerned that these are the ones that we  
21 selected, and now he is taking --

22 MR. WESTFALL: That is not my purpose. But what I  
23 can do is I can offer it as a demonstrative, because there are  
24 some questions I want to ask her in terms of the file name and  
25 all that. But to sit here and harp on the fact that these are

1 all the pictures, I have no intention of saying these are all  
2 of the pictures. I have seen the hard drive. I know that is  
3 not true, and I have no intention of doing that. But I can  
4 use this as a demonstrative to get the points out. That is  
5 not one of them. I can assure you.

6 MR. JACKS: Well, I think some of this at least this  
7 name is on there. I don't know if that is enough -- It is on  
8 the individual pictures.

9 MR. WESTFALL: The path name is not on there.

10 MR. JACKS: Okay. Okay. Your Honor, I was just  
11 given this just this second.

12 MR. WESTFALL: This is the last three pages of  
13 something I gave you already. It was something given to me by  
14 her.

15 MR. JACKS: Does this correspond to the pictures --  
16 how many pictures are in there from the New Jersey --

17 MR. WESTFALL: There was 11. Just the one Osama bin  
18 Laden got redacted out.

19 MR. JACKS: Okay.

20 THE COURT: Any objection?

21 MR. JACKS: Not based on those representations.

22 THE COURT: Okay.

23 (The following was had in the presence and hearing  
24 of the jury.)

25 THE COURT: And Defense Exhibit No. 1405 is

1 admitted.

2 MR. WESTFALL: Thank you, Your Honor.

3 Q. (BY MR. WESTFALL) Now, this here is what is called a  
4 path name. Right?

5 MR. JACKS: I am sorry. I just want to make sure,  
6 Your Honor, was this a demonstrative?

7 MR. WESTFALL: It will be for demonstrative  
8 purposes, Your Honor. I am fine with that.

9 THE COURT: All right.

10 Q. (BY MR. WESTFALL) This is what is called a path name.  
11 Correct? This full path?

12 A. Correct.

13 Q. And QDL-42 is the computer it came off of?

14 A. Yes.

15 Q. And then I don't know what that is--part 1?

16 A. Partition.

17 Q. Partition. Windows 98. And that is a file system.

18 Right? Windows, local settings, but then temporary internet  
19 files. Right?

20 A. Yes.

21 Q. And that is how we know it came from temporary internet  
22 files. Correct?

23 A. Correct.

24 Q. And then content IE5 means Internet Explorer Version 5.  
25 Correct?

1 A. Not necessarily. It means Internet Explorer, but not  
2 necessarily Version 5.

3 Q. Okay. Very well. So it just means Internet Explorer.

4 A. Right.

5 Q. And then this here is the sort of folder that Internet  
6 Explorer has created. Right?

7 A. That is correct.

8 Q. Now, have you ever looked at this to determine how many  
9 unique Internet Explorer created folders there are on here?

10 A. I have not.

11 Q. Do me a favor and look at your copy there and just check  
12 and see if this is accurate.

13 MR. JACKS: There is something on the screen that is  
14 not in evidence. I don't know what it is. We object to it.

15 MR. WESTFALL: It is derivative of No. 1405. I can  
16 offer it, Your Honor.

17 MR. JACKS: She didn't create it, he is not a  
18 witness, so we object to it.

19 Q. (BY MR. WESTFALL) Would you please just count them up?  
20 I was trying to help out.

21 A. Count what?

22 Q. How many images came from each unique file?

23 MR. WESTFALL: May I approach, Your Honor?

24 THE COURT: Yes.

25 Q. (BY MR. WESTFALL) They may be helpful to you.

1 A. You have written on here 11 that have come from these  
2 folders. Is that what this is?

3 Q. Right. And how many came from each of those unique  
4 files?

5 A. One came from one folder, two pictures came from the  
6 second folder, two pictures another one, two pictures on the  
7 next one, two pictures on the next one, one picture on the  
8 next, and one picture on the last one.

9 Q. Okay. So there are seven unique files represented there.

10 A. Yes.

11 Q. And those are the same types of files that we discussed  
12 earlier that the Internet Explorer creates on its own?

13 A. It appears to be, yes.

14 Q. Now, in examining these -- Let me go back to  
15 Demonstrative No. 1408. If this were, say, instead of eBay,  
16 the CNN website, there would be a little CNN up here and some  
17 other CNN related stuff and news stories instead. Those  
18 images would go in the computer the same way the eBay images  
19 would, wouldn't they?

20 A. That is correct.

21 Q. And so, for instance, you saw during your looking at  
22 these things CNN icons, didn't you?

23 A. Yes, I did.

24 Q. You saw BBC icons?

25 A. I did.



1 Q. There is a BBC, arabicbbc.co.uk?

2 A. I can't say that I saw that particular one, but I saw  
3 several different icons.

4 Q. You saw al Jazeera icons?

5 A. Al Jazeera.

6 Q. And other news outlets, you saw their icons as well?

7 A. Uh-huh.

8 Q. And we can't tell from looking at these pictures exactly  
9 what website they came off of, can we?

10 A. No not unless the website is identified on the picture,  
11 perhaps.

12 Q. Exactly. And there are some of those.

13 A. Yes, I believe there are.

14 Q. Chicago, we saw one that says palestineinfo.net on the  
15 picture?

16 A. Yes.

17 Q. We also saw one that says the IDF website on the picture,  
18 or something like that?

19 A. I don't recall that one, but they were on there.

20 Q. All right. This is out of Exhibit No. 51, the Chicago, a  
21 picture of Ahmed Yassin. Do you see what it says there?  
22 Official site of the IDF spokesman, the Israeli Defense  
23 Forces?

24 A. Yes.

25 Q. And that is the type of thing that is going to be an

1 instance where you can identify where the -- what website they  
2 came off of.

3 A. It doesn't necessarily link it to the website. It is  
4 just on the picture.

5 Q. Okay. So that would be some potential evidence that it  
6 came off the IDF website.

7 A. It is possible, yes.

8 Q. And just like palestinianinfo.info would be some  
9 potential evidence that it came off the Palestine info  
10 website.

11 A. It could be, yes.

12 MR. WESTFALL: Pass the witness, Your Honor.

13 THE COURT: Anyone else?

14 Ms. Hollander?

15 CROSS EXAMINATION

16 By Ms. Hollander:

17 Q. Good afternoon.

18 A. Hi.

19 Q. I just have a couple of questions.

20 I just want to make sure we are clear. If someone has a  
21 computer and their home page, for example, is Google News, and  
22 that could be a home page. Right?

23 A. It could be.

24 Q. So every time you start up your computer, you get  
25 whatever is on Google News.

1 A. Correct.

2 Q. And all of that goes to these temporary internet files.  
3 Right?

4 A. Correct.

5 Q. And then you hit refresh --

6 A. Yes.

7 Q. -- an hour later to find out how bad the market slipped  
8 or whatever, and you are looking at how bad the market slipped  
9 and a lot of pictures come up of other things. Right?

10 A. They could.

11 Q. And they all go into your temporary internet files?

12 A. They do.

13 Q. They do?

14 A. Uh-huh. Every picture that comes up that you pull up on  
15 a web page gets copied out to these temporary internet files.

16 Q. And what about -- For example, you know, sometimes people  
17 want to see something on YouTube, for example, and you go to  
18 YouTube to look at a particular -- somebody speaking about  
19 something, let's say, a speech. Right? And on YouTube,  
20 YouTube kind of advertises other speeches by the same person,  
21 so there would be other little pictures of that person.

22 A. Could be, yes.

23 Q. And if there were other pictures of that person, those  
24 would go into the temporary internet files.

25 A. Typically, yes.

1 Q. Even though you didn't even care about them,  
2 particularly.

3 A. Correct.

4 MS. HOLLANDER: That is all. Pass the witness.

5 THE COURT: Any other counsel?

6 MS. MORENO: No questions, Your Honor.

7 MS. CADEDDU: No questions, Your Honor.

8 THE COURT: Mr. Jacks, any redirect?

9 MR. JACKS: Just a couple, Your Honor.

10 REDIRECT EXAMINATION

11 By Mr. Jacks:

12 Q. Ms. Northrup, so the user or the person operating that  
13 computer would have to go to a website in which that picture  
14 was displayed. Correct?

15 A. That is correct.

16 Q. And you have -- Just to clarify, you have seen the  
17 photographs contained within these photo albums. Correct?

18 A. Yes.

19 Q. And you have seen all of the photographs that are  
20 contained on the hard drives at one point or another. Is that  
21 correct?

22 A. I have not seen every single file, no.

23 Q. All right. But are these -- Of the pictures that are in  
24 this photo album, is that just a part of the pictures that  
25 were contained on these hard drive?

1 A. Yes, it is a part of them.

2 MR. JACKS: That is all I have, Your Honor.

3 THE COURT: Mr. Westfall?

4 RECROSS EXAMINATION

5 By Mr. Westfall:

6 Q. What we have in the demonstrative we just looked at, we  
7 have seven unique Internet Explorer created temporary folders.  
8 Right?

9 A. Yes.

10 Q. And we have 11 pictures.

11 A. Correct.

12 Q. And you testified that each one of these folders can  
13 contain 1,000 or 1500 different things?

14 A. They can contain quite a bit, yes.

15 Q. All right. You know, Mr. Jacks mentioned something to  
16 you about printing. Now, are you talking about just making a  
17 print of the website?

18 A. No, just printing the picture itself.

19 Q. Going into the temporary internet file, finding the  
20 picture, and then printing it?

21 A. Yes.

22 Q. That would have to be a person who kind of knew their way  
23 around Internet Explorer, wouldn't it?

24 A. Sure.

25 Q. Those temporary internet files that are in there, a lot

1 of people don't even know that they exist. Isn't that true?

2 A. It is possible. Some do and some don't.

3 Q. But that is what makes them wonderful things for forensic  
4 analysis is because only very savvy computer users even know  
5 about them to destroy them. Isn't that true?

6 MR. JACKS: Your Honor, I object to the question.  
7 It is speculative and argumentative.

8 THE COURT: Overruled. She may answer.

9 THE WITNESS: Can you rephrase it or repeat the  
10 question?

11 Q. (BY MR. WESTFALL) These temporary internet files are  
12 valuable oftentimes to you as a forensic examiner, because the  
13 people using the computers don't know they exist.

14 A. That is correct.

15 MR. WESTFALL: Thank you, Your Honor.

16 THE COURT: Ms. Hollander, any other questions?

17 MS. HOLLANDER: No, sir.

18 THE COURT: Anyone else?

19 MR. DRATEL: No, Your Honor.

20 MS. MORENO: No, Your Honor.

21 MS. CADEDDU: No, Your Honor.

22 THE COURT: Ms. Northrup, you may step down. You  
23 are free to go.

24 MR. JACKS: May we approach, Your Honor?

25 THE COURT: Yes. Come on up.

1           (The following was had outside the hearing of the  
2           jury.)

3           THE COURT: Do you want to excuse the jury?

4           MR. JACKS: Yes.

5           MS. SHAPIRO: May I have just a few minutes to set  
6           up?

7           THE COURT: Yes. You can do that while I tell the  
8           members of the audience.

9           (The following was had in the presence and hearing  
10          of the jury.)

11          THE COURT: Members of the jury, if you will step  
12          out into the jury room for just a few minutes, there is a  
13          matter I need to take up.

14          (Whereupon, the jury left the courtroom.)

15          THE COURT: For those members that are here  
16          observing the courtroom proceedings, we are now getting ready  
17          to take up another witness who will be testifying anonymously,  
18          so we will have to ask you to step outside the courtroom.

19          You may go upstairs to floor 16 to the overflow  
20          courtroom, except for immediate members of the family of each  
21          of the Defendants.

22          You need a few minutes to set up? We will be in recess  
23          for a few minutes.

24                               (Brief Recess.)

25          (Whereupon, the oath was administered by the Clerk.)

1 THE COURT: Bring in the jury.

2 (Whereupon, the jury entered the courtroom.)

3 THE COURT: Ladies and gentlemen of the jury, this  
4 is another witness who is a member of the Israeli government,  
5 and so he will be testifying again under a name other than his  
6 real name, as is required by Israeli law, as we explained to  
7 you last time you heard from such a witness. He has been  
8 placed under oath, so he is under oath.

9 Ms. Shapiro?

10 MS. SHAPIRO: Thank you.

11 AVI,

12 Testified on direct examination by Ms. Shapiro as follows:

13 Q. Good afternoon.

14 A. Good afternoon.

15 Q. What name you are testifying under today?

16 A. Avi.

17 Q. Avi. Okay. Is English your native language, Avi?

18 A. No.

19 Q. What is your native language?

20 A. Hebrew.

21 Q. And can you speak English well enough to be able to  
22 testify today in English?

23 A. I think so.

24 Q. Okay. We have an interpreter here. If you need help  
25 understanding my questions or in your answer please, feel free



1 to use the interpreter. Okay?

2 Do you speak any languages other than Hebrew and English?

3 A. No.

4 Q. Do you read any other languages?

5 A. I read a little Arabic.

6 Q. And where are you from?

7 A. Israel.

8 Q. What part of Israel did you grow up in?

9 A. I am from a small town near Tel Aviv.

10 Q. Tel Aviv is a city in Israel?

11 A. Yes.

12 Q. Okay. And did you finish your schooling in Tel Aviv?

13 A. In the same place that I was born.

14 Q. And did you go to university?

15 A. Yes.

16 Q. Where did you go to university?

17 A. Tel Aviv University.

18 Q. Okay. Before you went to university, what did you do  
19 after you finished school?

20 A. After I finished school I joined the army.

21 Q. Okay. Does Israel have a compulsory Army service like a  
22 draft?

23 A. Yes.

24 Q. How long is a typical army service for men?

25 A. Three years.

1 Q. Three years. Do women also have army service?

2 A. Yes.

3 Q. How long do women serve?

4 A. Two years.

5 Q. Are you still in the army?

6 A. No.

7 Q. Okay. What rank did you achieve in the army?

8 A. Major.

9 Q. Okay. And after your army service what did you do?

10 A. I went to law school and studied law.

11 Q. And that was at which university again?

12 A. Tel Aviv University.

13 Q. Is law a first degree in Israel, or is it a second degree  
14 like here in the States?

15 A. It is a first degree.

16 Q. And how many years did you study law?

17 A. I studied five years.

18 Q. And was that just law or were you also studying other  
19 things?

20 A. I also studied medical studies.

21 Q. Medicine?

22 A. Medicine.

23 Q. Were you doing a joint degree initially?

24 A. No.

25 Q. No? What year did you obtain your law degree?

1 A. In 1997.

2 Q. 1997?

3 A. Yes.

4 Q. And what did you do after that?

5 A. After that I joined the ISA and started to practice law  
6 in ISA.

7 Q. Let me start with, what is the ISA?

8 A. It stands for the Israeli Security Agency.

9 Q. Okay. And what is the Israeli security agency?

10 A. It is -- The Israeli Security Agency is very similar to  
11 the FBI, except we don't deal with -- we deal with terrorism  
12 and only issues and subjects that relate to terrorism. We  
13 don't have the regular criminal crimes. That part is handled  
14 by the police.

15 Q. Okay. So the police handles crime and the ISA handles  
16 terrorism-related issues. Is that fair?

17 A. Yes.

18 Q. And when you joined the ISA, what did you join as? What  
19 was your job?

20 A. My job was a legal advisor. I started to practice law at  
21 the ISA, and then I became a legal advisor for the ISA.

22 Q. Okay. As a legal advisor, you are a lawyer there.  
23 Correct?

24 A. Correct.

25 Q. Are you an agent of the ISA?

1 A. No.

2 Q. No. Just a lawyer?

3 A. A lawyer.

4 Q. Okay. How long have you been at the ISA altogether?

5 A. Ten years.

6 Q. And how long have you been a legal advisor at the ISA?

7 A. Eight years.

8 Q. Okay. So let's talk for a moment about what your  
9 responsibilities are as a legal advisor. Can you tell us what  
10 your general responsibilities are?

11 A. As a legal advisor, I give advice for units of my  
12 division, which is the Counterterrorism Division in the ISA,  
13 and I also support cases, support cases that goes to the  
14 prosecution, and that is in general what I do.

15 Q. Okay. And do you do research as part of your job?

16 A. Yes.

17 Q. And do you do research relating to Hamas?

18 A. Yes, I support cases related to Hamas, and I also  
19 research -- My research is related to Hamas.

20 Q. When you say cases, do you mean legal cases that may be  
21 brought to court, like this one?

22 A. Yes.

23 Q. Were you -- Are you familiar with a case in Israel  
24 against the Islamic Movement and an individual named Raed  
25 Salah?

1 A. Yes.

2 Q. And were you involved in any way in that case?

3 A. Yes.

4 Q. What is the Islamic Movement?

5 A. The Islamic Movement is a branch of the Muslim  
6 Brotherhood in Israel. The leader of the Islamic Movement is  
7 Raed Salah And the Islamic Movement in Israel holds a very  
8 similar ideology and philosophy like the Hamas organization.

9 Q. Okay. And will we be talking about Raed Salah a little  
10 later?

11 A. Yes.

12 Q. What did you do for that case against the Islamic  
13 Movement? What was your responsibility?

14 A. I was in charge of a team that supported a case and had  
15 to collect material, evidence, and research, and the whole  
16 system, the whole financial system of Hamas. And then I was  
17 working and supporting the prosecution team during all of this  
18 period of time that the case lasted.

19 Q. And as part of your work on that case, did you meet with  
20 other experts in the area of funding of this movement?

21 A. Yes, from other agencies we had many meetings with police  
22 agents, from the IDF, and other ministries, other agencies in  
23 Israel.

24 Q. What is the IDF?

25 A. IDF stands for the Israeli Defense Force.

1 Q. Is that the Israeli army?

2 A. Yes.

3 Q. Okay. And as part of your work on this case -- How long  
4 did the case last?

5 A. It started in the end of 2000 and it ended in January  
6 2005.

7 Q. About five years?

8 A. A little less, yes.

9 Q. Over the course of those years did you review documents?

10 A. I reviewed many documents during this period of time.

11 Q. And did any of those documents relate to Hamas and  
12 various committees inside the West Bank and Gaza?

13 A. Also, yes.

14 Q. And did you study during the course of this case  
15 specifically the social infrastructure of Hamas?

16 A. Yes.

17 Q. And as a result of your work on that case, did you  
18 develop a specialization within the ISA?

19 A. Yes.

20 Q. And what was that specialization?

21 A. That specialization was the financial or the structure of  
22 the social wing or social branch of the Hamas organization,  
23 and financial methods regarding to the structure of the social  
24 wing of Hamas.

25 Q. And since you finished your work on the Islamic Movement

1 case, have you done anything to keep up your expertise in this  
2 area?

3 A. Yes.

4 Q. And what have you done to keep on top of this subject  
5 matter?

6 A. First of all, after this case I continued to support  
7 cases related to Hamas and to the social branch, other cases  
8 that dealt with the same subject. And also I continued to  
9 review documents and many documents related to this subject to  
10 be updated with news or material that came from all kinds of  
11 operations. I just continued to work on almost a daily basis  
12 on this subject.

13 Q. Do you use public source material like the media?

14 A. Yes.

15 Q. And what kind of public source material do you rely on  
16 and keep up on?

17 A. It can be articles, internet, television, publication  
18 like even books, academics, academics reviews that I read.

19 Q. Do you rely on articles and news sources from the Arab  
20 media?

21 A. Yes.

22 Q. And do you -- What are some examples of some of the Arab  
23 newspapers that you might keep abreast of?

24 A. There is a lot of newspapers around the Middle East. It  
25 can be add al-Ahram, al-Asuaq, al-Wasat.

1 Q. I am going to ask you to go back and spell those in a  
2 moment for our court reporter.

3 A. Okay. It can be al-Hayat, al-Jadida, al-Ahram in  
4 Ramallah, many newspapers that I review.

5 And also there are television channels that I usually  
6 keep watching, like al Jazeera, al-Arabiya, al-Hoah, al-Aqsa  
7 television of the Hamas, Palestinian television.

8 Q. Okay. How about if afterwards at the break we will bring  
9 those down for the court reporter. Is that okay? So that we  
10 don't have to take the time to spell each one? Okay.

11 Do you also rely on internet research?

12 A. Yes.

13 Q. And what kinds of internet sites do you look at?

14 A. First I look at the Hamas-related internet site, like the  
15 Palestinian Info.

16 Q. What is Palestine Info?

17 A. Palestine Info is an internet site that expresses the  
18 views and the philosophy and the ideology of Hamas and the  
19 Muslim Brotherhood, a very known internet site that relates to  
20 Hamas.

21 Q. Does Hamas have more than one website?

22 A. Yes. For example, the Izz el-Din al-Qassam Brigades  
23 which is the military wing of Hamas, is also a website  
24 quassam.net, quassam.org, many sites that relate to Hamas. I  
25 also review internet sites that relate to the Muslim



1 Brotherhood, sites like Islam Online, also a website of the  
2 newspapers, website of those newspapers that I just mentioned,  
3 television news sites like al Jazeera, many internet sites  
4 that I review. Also forums like Fatehforum. Many internet  
5 sites that I review.

6 Q. Do some of the committees that we are going to be talking  
7 about a little later on, do some of those have websites?

8 A. Yes.

9 Q. Which ones have websites that you can recall, just off  
10 the top of your head?

11 A. For example, the Islamic Society website, the  
12 MujamaIslami which is the Islamic Center or the Islamic  
13 Complex al-Salah in Gaza, the Islamic Charitable Society in  
14 Hebron, these kind of sites.

15 Q. And as part of your research in this area, have you  
16 reviewed videotapes?

17 A. Yes.

18 Q. More than one?

19 A. I would say hundreds.

20 Q. And where are those tapes from?

21 A. Those tapes can be from material that was seized from all  
22 kinds, many kinds of places; hamas offices in the West Bank,  
23 it can be videos that I was downloading from the internet,  
24 there are many videos that I also recorded from TV, from  
25 channels. So there is also video that I review from the IDF

1 Special Unit, which concentrates in collecting open material,  
2 a special unit of the ARMY that deals with --

3 Q. And the IDF is the Israeli army?

4 A. Yes.

5 Q. So we don't confuse acronyms.

6 A. Yes.

7 Q. And you said that you regularly conduct this sort of  
8 research you said about a daily basis. Is that right? What I  
9 heard you say?

10 A. Almost of course not every day. Of course, sometimes  
11 there are busy days. But I will try to do it on a daily  
12 basis.

13 Q. And you do this as part of your work with the ISA?

14 A. This is part of my work in the ISA.

15 Q. And have you ever collected any of your work product on  
16 this into a written product?

17 A. Into a summary that really tried to summarize some of the  
18 material that I review, some of the sources into a review.

19 Q. And are you -- As someone who works for the Israeli  
20 Security Agency, are you permitted to publish books or  
21 articles or anything like that?

22 A. No.

23 Q. So the information that you have collected on your  
24 research, you have not published that. Is that right?

25 A. That is right.

1 Q. Have you had occasion to meet with other governments  
2 about the financial infrastructure of the Hamas social wing?

3 A. Yes.

4 Q. And do you read academic publications on the subject?

5 A. I read some academic publications about the subject.

6 Q. And have you read books about it, about Hamas?

7 A. I have read books in general about Hamas. I have read  
8 some books, yes.

9 Q. Okay. Can you give us an example of some books that you  
10 have relied on?

11 A. Ziad Abu Amar book, Azzam Tamimi, The Hamas Story From  
12 Within, Ronny Shaked is an Israeli publisher of Khalid Mishal  
13 book, those books.

14 Q. Okay. And would you say that your expertise in this area  
15 in the social wing of Hamas, does it drive more from books or  
16 more from practical experience?

17 A. I think more from practical experience. This is my job  
18 and this is what part of my duty is to read, to analyze, to  
19 educate myself with new material.

20 Q. Is it important to the mission of the Israeli Security  
21 Agency that the information you gather be accurate?

22 A. Yes. The ISA is a preventive agency, terrorism  
23 preventive agency. And my information and what I am doing in  
24 reviewing information is to prevent terrorism. And it is to  
25 be accurate, and I am trying to rely on as much sources as I

1 can, because a mistake here can be important for us to be very  
2 accurate and to rely -- reliable material.

3 Q. Do Government officials within Israel recognize you as an  
4 expert on the subject matter of the social wing of Hamas?

5 A. Yes.

6 Q. Have you been invited to speak to other government  
7 agencies in Israel about the subject?

8 A. Yes.

9 Q. And do foreign governments consider you an expert in the  
10 area of Hamas' social wing?

11 A. Yes.

12 Q. Do you have As part of your job with the ISA, do you hold  
13 a security clearance?

14 A. Yes.

15 Q. Are you relying on any classified information at all in  
16 your testimony today?

17 A. No.

18 Q. You mentioned all these different sources of information  
19 that you rely on. Do you ever rely just solely on one source  
20 of information?

21 A. No.

22 Q. Why not?

23 A. As I just explained, my conclusion, the conclusion that I  
24 achieve my work is to be accurate, because the goal of my  
25 agency is to prevent terrorism. And if the information is not

1 correct and I based only on one source that is not reliable or  
2 not true or false, so this is of course is not serving the  
3 goal of preventing terrorism.

4 Q. Now, you testified that you read some Arabic but you  
5 don't speak it. Do you translate your own Arab language  
6 documents?

7 A. I don't translate my own documents that I read. I just  
8 use it for initial primary sorting. I deliver this material  
9 to professional translators working in the IDF, the Israeli  
10 Defense Force or a professional translator working in the ISA,  
11 the Israeli Security Agency.

12 Q. Okay.

13 MS. SHAPIRO: Your Honor, at this time I offer Avi  
14 as an expert in the area of financing of Hamas' social wing  
15 structure.

16 MS. MORENO: There will be an objection based on our  
17 previous objections to the Court and our motions.

18 THE COURT: That is overruled, and Mr. Avi is  
19 accepted in that area.

20 MS. SHAPIRO: Thank you.

21 Q. (BY MS. SHAPIRO) Okay. I want to start by just doing a  
22 little background, giving a little background about the Hamas  
23 organization and its social wing. So can you just explain for  
24 us a little bit the general organization of Hamas?

25 A. In general, the Hamas is divided into three branches--the

1 political branch, the social branch, I would say, and the  
2 military branch what is called the Izz el-Din al-Qassam  
3 Brigades. But this is not clear, there is no clear boundaries  
4 between those branches and I can see a lot of overlap,  
5 overlaps, links, connection between those wings that I just  
6 mentioned.

7 Q. Okay. Let's talk about just the social wing,  
8 understanding that you can't really separate them, but let's  
9 just talk for a moment about the social wing of Hamas. Is the  
10 social wing important to the organization?

11 A. The social wing is very important to the organization.  
12 And I am talking about Hamas. The Hamas needs, really needs  
13 the social wing for several reasons. This is -- First of all,  
14 it serves the Hamas philosophy, the Hamas ideology. Hamas  
15 uses it to recruit new members to the military wing, for  
16 example. This is a way of funneling money to the  
17 organization, a lot of money through the social wing. It is  
18 very important for Hamas to have a social or wide  
19 infrastructure. And of course it is important for the Hamas  
20 to have social infrastructure which supports the people, for  
21 the people to support them. This is the idea-- win the hearts  
22 and minds of the people to reach the people.

23 Q. You said that the social wing is important for bringing  
24 in large amounts of money. Why is that?

25 A. The social wing -- First of all, the social wing needs a

1 lot of money to operate. But for Hamas it is, of course, more  
2 convenient, let's say more safe, to bring money into the  
3 territories without targeting -- I mean, without relying on  
4 sources that support directly the military wing or other wings  
5 of Hamas, otherwise they can be targeted by governments who  
6 banned Hamas in their own countries, so the social wing is the  
7 best way to bring money into the territories.

8 Q. And what kinds of services does the social wing provide?

9 A. Services?

10 Q. Uh-huh.

11 A. Okay. The social wing of Hamas gives a lot of services  
12 to the Palestinian population, and I will just -- It is in all  
13 areas of civilian life, like education, like supporting  
14 special segments of the population, mosques, schools,  
15 kindergartens, it gives a lot of services among the  
16 Palestinians. It is not a majority of the services, but it  
17 gives a lot of services in the Palestinian territories.

18 Q. Did you assist in creating a demonstrative exhibit, a  
19 PowerPoint to help explain your testimony today?

20 A. Yes.

21 Q. Okay.

22 MS. SHAPIRO: Your Honor, I move to admit  
23 Demonstrative No. 30.

24 THE COURT: Previous objections?

25 MS. DUNCAN: Previous objections, Your Honor.

1           THE COURT: That has been overruled. Demonstrative  
2 No. 30 is admitted. .

3           MS. SHAPIRO: Could we display, please, the first  
4 slide of that demonstrative?

5 Q. (BY MS. SHAPIRO) What did you call this slide?

6 A. I call the slide the life cycle of a typical Hamas  
7 activist, typical, in general. This slide demonstrates the  
8 stages, all kinds of stages where the social wing of Hamas  
9 supports the population; stages like kindergartens, like  
10 schools, like summer camps, like healthcare services, building  
11 mosques and supporting them, memorization of Quran, centers,  
12 university that is very important. In each stage of the  
13 lifecycle of a typical Hamas activist, the social wing of  
14 Hamas is around there giving the services.

15           And then we go to some possibilities, like recruitment to  
16 the military wing and supporting special segments of the  
17 population which are very important to Hamas, like prisoners,  
18 like families of martyrs, and you get to the end of the cycle.

19 Q. When you say lifecycle are you referring to a sort of  
20 cradle to grave type analysis?

21 A. That is exactly what I meant, the idea here.

22 Q. So do these stages represent different stages of life?

23 A. Different stages of life, yes, from youngsters to -- from  
24 little age and until universities and so on.

25 Q. Let's start in the beginning with the youngsters in the



1     kindergartens. Have you -- Based on your research, do you  
2     know what goes on in a Hamas-run kindergarten?

3     A. Yes. I have seen examples of ceremonies that take place  
4     in kindergartens of the Hamas, of the social wing of Hamas.  
5     They run a lot of kindergartens, but I reviewed examples of  
6     the kind of ideology and the philosophy of Hamas that you can  
7     see from little age. This is the first time -- I would say  
8     little age is the first time that the child can absorb the  
9     ideas, in general the ideas of Hamas. And this is the crucial  
10    age for Hamas to influence little kids. And the different  
11    societies, the different social societies of Hamas runs a lot  
12    of kindergartens.

13    Q. Are there also -- After kindergarten are there also grade  
14    schools so the child can continue?

15    A. Yes.

16    Q. I am sorry. Your last answer was after kindergarten  
17    there are grade schools?

18    A. Schools and high schools, and university. I just wanted  
19    to demonstrate the whole education stages, the different  
20    education stages.

21    Q. And you said that you have seen videos of ceremonies in  
22    some of these schools. Is that right?

23    A. That is right.

24    Q. And are these videos the kinds of things that you would  
25    rely on in forming your opinion about the Hamas social wing

1 and its institutions?

2 A. Among other things, yes.

3 Q. And I want to draw your attention to what has been marked  
4 as Demonstrative No. 10. Before we look at it, can you -- Do  
5 you know what Demonstrative No. 10 is?

6 A. A video.

7 Q. And do you know where the video was from?

8 A. I have a paper written that it is a video.

9 Q. I can pull out the original, but is this -- If I can  
10 refresh your recollection, is this a video from al-Aqsa  
11 Television?

12 A. From al-Aqsa Television. Okay.

13 Q. And do you know -- You recall this video now?

14 A. Yes.

15 Q. Okay. And did you download it?

16 A. Recorded.

17 Q. Recorded. Sorry.

18 A. It was also downloaded from another source, yes.

19 Q. But it was originally on TV?

20 A. On TV, yes.

21 Q. And what TV station?

22 A. Al-Aqsa.

23 Q. And al-Aqsa is what kind of TV station?

24 A. It is the Hamas television.

25 Q. And can you record Hamas television from your home in Tel

1 Aviv?

2 A. Yes.

3 Q. And what year does this ceremony take place that is  
4 depicted on the video?

5 A. I think it was May 31, 2007.

6 Q. Okay. And will this video assist the jury in  
7 understanding the social wing of Hamas, even though it is in  
8 2007?

9 A. Yes.

10 Q. Is it the ceremony typical of what you have seen even in  
11 earlier years?

12 A. I saw similar ceremonies in earlier years, yes.

13 Q. Okay.

14 MS. SHAPIRO: Your Honor, I move to admit and to  
15 publish Demonstrative No. 10.

16 THE COURT: Previous objection?

17 MS. DUNCAN: Yes, Your Honor.

18 THE COURT: That is overruled. Demonstrative No. 10  
19 is admitted. .

20 Q. (BY MS. SHAPIRO) Did you tell us what specific  
21 institution or place this ceremony takes place?

22 A. The society is called the Mujama'a al-Islami which also  
23 in English it is the Islamic Center or the Islamic Complex.

24 Q. Okay. Can you spell al-Mujama'a so we have it for the  
25 court reporter?

1 A. A-L M-U-J-A-M-A-A.

2 Q. Is that Arabic for the Islamic Center?

3 A. Yes.

4 Q. Or complex?

5 A. Mujama'a, yes.

6 Q. All right. Can we play Demonstrative No. 10, please?

7 (Whereupon, Demonstrative No. 10 was played in open  
8 court.)

9 Q. (BY MS. SHAPIRO) You said that was the Islamic Center, I  
10 believe. Correct?

11 A. Yes.

12 Q. Okay.

13 MS. SHAPIRO: Could we bring up InfoCom Search No.  
14 28, please, page 98?

15 Q. (BY MS. SHAPIRO) Do you see where this talks about the  
16 Islamic Complex?

17 A. Yes.

18 Q. Is this the same institution where we just saw this  
19 ceremony take place?

20 A. Yes.

21 Q. Okay.

22 MS. SHAPIRO: Your Honor, because it is difficult  
23 for the witness to read in English, would it be all right if I  
24 read from the document?

25 THE COURT: Yes.

1 MS. SHAPIRO: Thank you.

2 Q. (BY MS. SHAPIRO) Reading the first paragraph of this  
3 document, "The Islamic Complex was founded in 1973 by a group  
4 of Muslims led by mujaheed Sheikh Yassin, may God release him  
5 from his jail and reward him for his sincerity and guard him  
6 as a role model for Islamic activism. These people have vowed  
7 to serve Islam and Islamic activism and to provide care to the  
8 Muslim individual since the cradle."

9 If I can just stop there. When it says "care since the  
10 cradle," is that similar to the concept you have been  
11 describing about a lifecycle?

12 A. This is a part of the concept, yes. This is the first  
13 part of the concept.

14 Q. Okay. "As well as providing treatment to the ill and  
15 assistance to the poor and the needy as much as possible. The  
16 Islamic Complex also paid special attention to the Muslim  
17 women, and provided many venues for the mothers of Muslims to  
18 learn her religion and to improve herself through knitting and  
19 similar projects."

20 And do you see the first name listed here under members  
21 of the administrative financial board?

22 A. Yes.

23 Q. And who is that?

24 A. Ibrahim Farcs al-Yazouri is the chairman of the Islamic  
25 Society one of the founders of Hamas, a very known and senior

1 member of Hamas.

2 Q. We will talk about him later. Right?

3 A. Yes.

4 Q. Okay. If we turn the page, do you see where it says, No.  
5 2, "Children kindergarten centers." Is that consistent with  
6 what you have seen that the Islamic Center has kindergartens?  
7 Is that right?

8 A. Yes.

9 Q. And if we could go to page 103. And for the Islamic  
10 Center it says future aspiration, No. 3, "To have children's  
11 kindergartens everywhere;" No. 4, "To have an elementary  
12 school affiliated with the Complex;" and No. 7, "Our biggest  
13 aspirations is the liberation of the land of Palestine and to  
14 establish an Islamic state on its land. It is not too much  
15 for God the Almighty."

16 The idea of kindergartens in terms of the importance to  
17 Hamas, I mean, what does it mean to you when you look at these  
18 institutions and their educational services?

19 A. Ahmed Yassin, who actually founded the Islamic Complex  
20 many years since the beginning of the Islamic Complex  
21 emphasized the issue of education and education from small  
22 age. Because this is the age where the children start to  
23 absorb the ideas that are important to Hamas that those kids,  
24 those children will receive. And this is the Hamas  
25 philosophy, this is the Hamas ideology, this is the creation

1 of a new Muslim in the eyes of the Muslim Brotherhood. And  
2 the first step that you can do it is through the  
3 kindergartens, and that is why the Islamic Complex the  
4 Mujama'a Islami created a network of educational institutions,  
5 including kindergarten schools, and they tried to collect  
6 enough money to create some big projects of educational center  
7 called Dar al-Arqam.

8 Q. Let me direct your attention -- Do you have a binder in  
9 front of you of exhibits that we are going to use today?

10 A. Yes.

11 Q. I direct your attention to what is marked as German  
12 Document No. 2. And without reading from it or telling me the  
13 contents of it, can you describe generally what this is?

14 A. This is a letter.

15 Q. Who is the letter from?

16 A. A letter from -- There is a seal of Sheikh Ahmed Yassin.

17 Q. And who is the letter to?

18 A. The letter is for the brothers in al-Aqsa in Germany.

19 Q. And are you familiar with the al-Aqsa Foundation in  
20 Germany?

21 A. Yes.

22 Q. And is that something that we are going to be talking  
23 about a little bit later?

24 A. Yes.

25 Q. And in your opinion, based on your research and what we

1 will talk about, is al-Aqsa a Hamas institution?

2 A. Yes.

3 MS. SHAPIRO: Your Honor, I move the admission of  
4 German Document No. 2 at this time.

5 THE COURT: Previous objections?

6 MS. DUNCAN: Previous objections, Your Honor.

7 THE COURT: That is overruled and German Document  
8 No. 2 is admitted. .

9 Q. (BY MS. SHAPIRO) You mentioned a seal.

10 MS. SHAPIRO: Could we enlarge the seal at the  
11 bottom, please?

12 Q. (BY MS. SHAPIRO) Is that the seal you are referring to?

13 A. Yes.

14 Q. Okay. And whose name is on that seal?

15 A. Sheikh Ahmed Yassin.

16 Q. Ahmed Yassin was a paraplegic. Is that right?

17 A. That is right.

18 Q. So was he able to sign his name?

19 A. No.

20 Q. So was this seal essentially his signature?

21 A. This is his signature since he couldn't sign his own.

22 Q. Okay.

23 MS. SHAPIRO: Let's look at page 2 of that document,  
24 please. If we can blow up the second paragraph.

25 Q. (BY MS. SHAPIRO) I am going to read this second



1 paragraph on page 2. It says, "Honorable brothers. The  
2 mujaheed Sheikh Ahmed Ismail Yassin has considered  
3 establishing an exemplary school to be an extension to his  
4 pioneering role in education and building, a school that  
5 offers an integrated curriculum that combines religious and  
6 worldly studies, especially that the beloved homeland is still  
7 suffering from my of the effects of the detestable occupation,  
8 particularly in the educational arena, which came close to  
9 destruction during the occupation period. Consequently, the  
10 mujaheed Sheikh Ahmed Yassin started to rebuild the  
11 Palestinian human being who believes in his God, who belongs  
12 to his homeland, and who rejects the plans and conspiracies of  
13 the enemies through this large educational project, the  
14 project of building the school of the exemplary Dar al-Arqam.  
15 There is no way to correct the Society's course except by  
16 correcting the educational course through the restoration of  
17 correct values and notions so they can direct the philosophy  
18 of education. And education at this school will be free for  
19 children of martyrs and children of detainees, orphans, the  
20 poor, and the needy, God almighty is willing."

21 Do you see in there a discussion of remaking the  
22 Palestinian human being? Is that consistent with the  
23 philosophy that you have seen of Hamas toward education?

24 A. Yes, the same philosophy of the Muslim Brotherhood, and  
25 this is an example for this.

1 Q. Okay. If we go back to the lifecycle for a moment, this  
2 lifecycle also has a stage for summer camps. Is that -- In  
3 your research, is that another important step along this path  
4 that the Hamas social wing supports?

5 A. Yes. The social wing and the social institution usually  
6 conduct summer camps after school in the summer vacation; the  
7 summer camps for girls, and boys, children of course.

8 Q. Okay.

9 MS. SHAPIRO: Can we pull up al-Isla No. 1, please?

10 Q. (BY MS. SHAPIRO) Do you recognize this document?

11 A. Yes.

12 MS. SHAPIRO: If you can go to the English and blow  
13 up the numbered paragraphs in the middle.

14 Q. (BY MS. SHAPIRO) Do you see the goals for the summer  
15 camp? Do you see No. 10, "Planting the spirit of jihad for  
16 the sake of God in their souls and the sacrifice for this  
17 homeland"? Have you seen summer camps consistent with the  
18 idea of planting the see seed of jihad?

19 A. Yes.

20 Q. Are we going to see some of that a little later?

21 A. Yes.

22 Q. Do committees, zakat committees, do they sponsor summer  
23 camps based on your research?

24 A. Yes.

25 Q. Did they also sponsor schools?

1 A. Yes.

2 Q. Does Hamas have --

3 MS. SHAPIRO: If we can go back to the lifecycle  
4 again.

5 Q. (BY MS. SHAPIRO) You said you talked about the  
6 universities. Does Hamas have a presence in universities?

7 A. Yes. Hamas has a big presence in universities like the  
8 Islamic University Birziet with a party called the Kutle  
9 el-Islamia.

10 Q. Can you spell that, please?

11 A. Kutle, K-U-T-L-E, Kutle al-Islamiya, which is a student  
12 party of Hamas and combined what is called the Islamic block  
13 in the university, it is part of the -- Actually it is -- the  
14 majority of the Islamic block is known as the same in the  
15 university. They ran students for the election in the  
16 universities. They have a big presence in the universities.  
17 Social institutes support students of the Kutle al-Islamiya.

18 Q. And you have written on the slide it says "a pool for  
19 recruiting military activists." Have you seen in your  
20 research where military activists to Hamas are recruited from  
21 the Kutle Islamiya in the university?

22 A. Yes.

23 Q. And continuing along the circle, if there is a  
24 recruitment to the military wing, does the Hamas social wing  
25 also, then, provide if that person is arrested, provide for

1 the prisoner and the prisoner's family?

2 A. Yes. That is the next stage if a person is arrested or  
3 on trial, so his family will be supported by a social  
4 institute.

5 Q. And what objective does that satisfy? How does that  
6 serve Hamas' goals?

7 A. First of all, this issue of supporting families of  
8 prisoners and also martyrs was mentioned by the Hamas  
9 leadership, by Khalid Mishal and by other leaders many times.

10 Q. Khalid Mishal, if you can tell us who he is again. We  
11 have heard his name before, but just in case?

12 A. He is the leader of the bureau of Hamas. Today he is  
13 considered to be the leader of Hamas. He mentioned this. Not  
14 only Khalid Mishal, but many leaders of Hamas emphasize this  
15 segment. It is very important, very important for the Hamas  
16 organization to support, first of all, to show the fact that  
17 they didn't just leave them away without any support.

18 Q. Them meaning the prisoners?

19 A. The prisoners, the families, and the prisoners, of  
20 course. It is very important for them morally that a person  
21 who goes to a mission by Hamas and if he is seized or arrested  
22 that he will be supported. Hamas would not leave him alone,  
23 and would support him.

24 Second, it is important for Hamas for glorifying this to  
25 show the importance of this segment for the organization. It

1 serves several goals of Hamas in that point, in that specific  
2 point.

3 Q. Does support for the families, does that serve any other  
4 objective of Hamas with respect to future recruits?

5 A. This is a message, to deliver a message. The Hamas  
6 understands that if it doesn't support these special segments,  
7 it means that in the future it will have difficulties to  
8 recruit new members. It is very logical. If those families  
9 will not be supported, how are they going to recruit another  
10 member. Because the families are important factor here. The  
11 Hamas understands it is very good.

12 And even in times that the Hamas was in the financial  
13 crisis, like the starting of the '90s, the first money that  
14 they sent to collect went to the families. This was the  
15 primary goal for the Hamas leadership to raise money for the  
16 families, for the families of the martyrs and the prisoners.

17 MS. SHAPIRO: Let's look at ICS Hebron No. 5,  
18 please.

19 Q. (BY MS. SHAPIRO) Okay. Are you familiar with this  
20 document? Do you have it in your binder, ICS Hebron No. 5?

21 A. I can't find it, but I am familiar with this document.

22 Q. Where does it come from?

23 A. This comes from the Young Muslim Society which is one of  
24 the societies that is controlled by the Islamic Charitable  
25 Society in Hebron. It is a letter written by prisoners to the

1 Society asking them to keep supporting them because the  
2 support is very important.

3 Q. Let's look at the translation.

4 A. I just don't have the translation here.

5 Q. The next page is the translation. Let's just read a  
6 little bit of it. It says, "Honorable brothers at the Young  
7 Men Muslim Society, peace be upon you, God's mercy and  
8 blessings.

9 "We extend to you our sincere greetings and thanks for  
10 your sincere efforts in serving the dawa and consistently  
11 highlighting the bright visage of the city of martyrs. We  
12 also submit to you our heart felt greetings for your stand by  
13 us, the prisoners in the prisons of the grudging occupation  
14 and your stand by our families and care for our children."

15 And can you see who signed this letter and the date?

16 A. The date is December 12th, 1999 signed by the prisoners  
17 of Hamas Nafha prison in Israel. Hamas operatives were  
18 arrested and were tried.

19 Q. Okay. And is this document an example of support for  
20 prisoners for Hamas prisoners?

21 A. Yes.

22 Q. That you have spoken about?

23 A. Yes.

24 Q. Based on your research, are you familiar with any  
25 particular individuals who have traveled the entire course of

1 this lifecycle that we talked about on your PowerPoint slide?  
2 And we will talk about them later. I am just wondering if you  
3 have encountered those kinds of people.

4 A. I reviewed several Hamas operatives. I mean, a member of  
5 the Izz el-Din al-Qassams, the military arm of Hamas, and even  
6 suicide bombers who went through this cycle.

7 Q. We will talk about them a little later in more detail.

8 MR. DRATEL: We want to renew our objections on  
9 those previous grounds, Your Honor.

10 THE COURT: Okay. Overruled.

11 Q. (BY MS. SHAPIRO) We have talked about the kinds of  
12 activities that the Hamas social wing engages in. Does this  
13 social infrastructure that we have talked about, the schools,  
14 the support for prisoners, the summer camp, does it require  
15 money to operate?

16 A. It requires a lot of money. I would say that it requires  
17 more than the military activity or the terrorist activity  
18 itself. The supporting and building schools and building  
19 institutes, it costs a lot of money, and the price of one  
20 terrorist attack is very cheap. The material or the  
21 explosives are very, very low price, and this is --

22 Q. When you say the social wing requires the majority of the  
23 money --

24 A. I would say so, yes.

25 Q. And where does the social wing of Hamas get its money

1 from?

2 A. The social wing of Hamas in the territories receives its  
3 money from a global network of Hamas foundations located all  
4 over the world.

5 Q. Why does Hamas need to go out into the world to collect  
6 its money? Why can't it just get money from inside the West  
7 Bank and Gaza?

8 A. Well, Hamas, and it was part of what I call a plan, and  
9 it goes to something that is called the Palestine Committee.

10 Q. We will get into that in a minute.

11 A. For Hamas the plan was actually to raise money from  
12 places that it will be more convenient where there are Muslim  
13 communities that they can send money to the territories  
14 without being targeted, without being -- It was very  
15 convenient in Western countries, in democratic countries, and  
16 was created in the times when Hamas was not banned yet. That  
17 is why they used many, many places where they are supportive  
18 in Muslim communities.

19 Q. Okay. Now, you mentioned the Palestine Committee so  
20 let's talk about the Palestine Committee you familiar with the  
21 idea of a Palestine Committee?

22 A. Yes.

23 Q. Okay. And what is it?

24 A. This is a basic idea that actually started to being  
25 raised in the '80s as a plan that the Muslim Brotherhood will



1 create and with regard to -- Even before Hamas was founded and  
2 when the Muslim Brotherhood talked about the struggle in  
3 Palestine, the idea was to establish and to found several  
4 committees that will operate in different places all over the  
5 world. And when I say operate, it is including raising money,  
6 it is including information centers, even propaganda, issuing  
7 newspapers. This is the Palestine Committee. So it is  
8 combined with several departments and also raising money.

9 Q. Have you seen documents in this case that refer to the  
10 Palestine Committee?

11 A. Yes.

12 MS. SHAPIRO: Can we put up Elbarasse Search No. 5,  
13 please? Can we go to the first page of the translation?

14 Q. (BY MS. SHAPIRO) This is a document called the Islamic  
15 Action for Palestine internal memo October 1992.

16 MS. SHAPIRO: If we can look at page 11, please, the  
17 bottom half of the page.

18 Q. (BY MS. SHAPIRO) It is going to read -- where it says  
19 Palestine Committee the countries, do you see where that is?

20 A. Yes, Section D.

21 Q. Paragraph D. "With the growth of the blessed Intifada  
22 and the spread of the spirit of jihad amidst the children of  
23 Palestine and the nation, it became incumbent upon the  
24 remainder of the Ikhwan branches to play a role in attributing  
25 this Intifada and the Islamic Action for Palestine.

1       Therefore, a resolution was issued by the guidance office and  
2       the shura council of the international movement to form  
3       'Palestine Committee the Arab, the Islamic, and the Western  
4       nations, whose job it is to make the Palestine cause  
5       victorious and what to support it with what it needs of media,  
6       money, men, and all of that."

7               And then No. 3, The Islamic Resistance Movement. "With  
8       the increase of the Intifada and the advance of the Islamic  
9       action inside and outside Palestine, the Islamic Resistance  
10      Movement, Hamas, provided through its activities in resisting  
11      the Zionist occupation a lot of sacrifices from martyrs,  
12      detainees, wounded, injured, fugitives, and deportees, and it  
13      was able to prove that it is an original and an effective  
14      movement in leading the Palestinian people. This movement,  
15      which was bred in the bosom on the mother movement, the Muslim  
16      Brotherhood, restored hope and life to the Muslim nation and  
17      the notion that the flare of jihad has not died out and that  
18      the banner of Islamic Jihad is still raised."

19              Is this document that talks about the Palestine  
20      Committee, is that consistent with your understanding  
21      historically of what happened around the world?

22      A.     Yes.

23              MR. DRATEL:   Object to the form of the question,  
24      Your Honor.

25              THE COURT:   Do you want to rephrase?

1 MS. SHAPIRO: Sure.

2 Q. (BY MS. SHAPIRO) Is this consistent with what you have  
3 learned about your growth of the Palestine committees?

4 A. Yes. And just one or two -- It started before the  
5 Hamas -- The idea was started before Hamas was founded, but  
6 with increase of -- When the Hamas was founded, an increase of  
7 the struggle, when the struggle became very -- In the  
8 beginning from the '90s the need was more and more crucial for  
9 Hamas, for the Palestine committees so actually they started  
10 to form in the beginning of the '90s. So the idea was there  
11 before.

12 MS. SHAPIRO: Can we look at Elbarasse Search No.  
13 15, please? And if we can go to page 2, the translation.

14 Q. (BY MS. SHAPIRO) This is a document dated -- Do you have  
15 it in your binder? Do you see it?

16 A. Yes.

17 Q. Okay. Dated February 22nd, 1991 called resolutions  
18 relating to the Occupied Land Fund. And I am reading No. 3.  
19 "The relationship" -- I will start earlier. "The following  
20 issues have been agreed on during your presence and the  
21 brothers, members of the board of directors, in the city of  
22 Los Angeles on February 17th, 1991.

23 "No. 3, the relationship between the Fund and the bodies  
24 similar to it outside of America will be settled at a later  
25 time."

1           Is this document also consistent with your research with  
2       respect to the creation of various Palestine committees around  
3       the world?

4       A.    Yes.  Various Palestine committees is the global network  
5       that I am talking about.  This is the same.  The world  
6       financial network is the Palestine Committee.  This is the  
7       idea.

8       Q.    Okay.

9           MS. SHAPIRO:  Could we go back to the Demonstrative  
10      No. 30, the second slide, please?

11      Q.    (BY MS. SHAPIRO)  Okay.  I want to talk for a moment  
12      about how the money gets from this global network that you  
13      have talked about and how it gets inside Palestine.  Let's  
14      talk about what the slide is.  What have you called it?

15      A.    This is the Hamas charity wing in the early '90s, and the  
16      focus here on the global network, how it operated in the early  
17      '90s.

18      Q.    Okay.  So what is depicted, the organizations in red that  
19      are in Europe and the United States, what are those -- what do  
20      they represent?

21      A.    Interpal in England, CBSP in France, al-Aqsa in Europe,  
22      and the Other Gulf Funds, they were all Hamas foundations that  
23      supported the Hamas in the territory.

24      Q.    Okay.  Let me back up one step.  Do all of these  
25      organizations out here, did they form from Palestine

1 committees?

2 A. Yes.

3 Q. And in the United States we have HLF, Holy Land  
4 Foundation. Right? And in Europe you read Interpal. What is  
5 in the parentheses underneath it?

6 A. Palestine Lebanon Relief Foundation.

7 Q. That is the PLRF?

8 A. This is the PLRF.

9 Q. And what is that?

10 A. It is former name of Interpal before it changed its name  
11 in 1994.

12 Q. And CBSP, that is a similar committee, and where is that  
13 based?

14 A. Yes.

15 Q. Where? I am sorry.

16 A. In France.

17 Q. In France. And al-Aqsa?

18 A. Al-Aqsa, it is similar Palestine Committee that had  
19 branches in several countries in Europe including Germany,  
20 Belgium, Netherlands.

21 Q. Now, do you remember we looked at German Document No. 2 a  
22 few moments ago?

23 A. Yes.

24 Q. That document you mentioned was written to al-Aqsa. Is  
25 this the same al-Aqsa that we see on your map?

1 A. It is the same al-Aqsa written on the map.

2 Q. And there are arrows going from these organizations into  
3 a green box that says Islamic Relief Committee. What is the  
4 Islamic Relief Committee?

5 A. The Islamic Relief Committee is one of the Islamic  
6 Movement We talked about the Islamic Movement in Israel in the  
7 beginning. This is the case that was started by Raed Salah.  
8 The Islamic Relief Committee was one of the early committees  
9 that operated in the Islamic Movement in Israel, and its main  
10 goal was to receive money from the Palestine committees in  
11 Europe and the places you see on the map, and to deliver it or  
12 transfer it to the Hamas social network in the territories.  
13 The Islamic Relief Committee is, as I said, is one of the  
14 committees of the -- is an institution that belonged to the  
15 Islamic Movement And the picture is Raed Salah which is the  
16 leader of the Islamic Movement in Israel.

17 Q. Did the Islamic Relief Committee support Hamas  
18 institutions?

19 A. Yes.

20 Q. Okay. So when the money for these red lines comes into  
21 the Islamic Relief Committee then there is a green line going  
22 out, where is that going?

23 A. The red lines demonstrate the flow of money. That was  
24 the idea of this demonstration. Now, the green arrow goes to  
25 the territories to the little map. This is the flow of money

1 from the Islamic Relief Committee inside the territories to  
2 Hamas social institutions called Hamas zakat or Hamas  
3 societies, that conducted several activities, like we saw in  
4 the chart, for example, in the demonstrative chart of the  
5 lifecycle.

6 Q. And the smaller map, the insert map, does that depict the  
7 West Bank and then the smaller area on the left is that Gaza  
8 Strip?

9 A. Yes, the West Bank and the Gaza Strip.

10 Q. Okay. And then you have these pink boxes on the left.  
11 What do those depict?

12 A. It reflects the idea of the social institution of Hamas.  
13 Control or part of the leaders are Hamas activists that  
14 operate and conduct the Dawa or the civilian activity of Hamas  
15 in the West Bank and Gaza Strip. And that kind of activity is  
16 like supporting -- it was very prominent at that time to see  
17 the support of families of prisoners, families of martyrs, and  
18 deportees, and other Hamas activities like we saw in the  
19 demonstrative slide, including education projects, but most of  
20 the money went to the special segment.

21 Q. Okay. And you have these arrows going into the Islamic  
22 Relief Committee. Could you have also drawn arrows that went  
23 straight from these international organizations into the West  
24 Bank and Gaza?

25 A. Yes. Yes. The Islamic Relief Committee was kind of a

1 pipeline, an intermediate. It doesn't necessarily say that  
2 all the money went to the Islamic Relief Committee. It was a  
3 convenient intermediate because it was located in an area  
4 which was very close to the West Bank, and the money -- And it  
5 was more convenient to the Hamas foundation to deliver the  
6 money to an institute that operated at that time in Israel.

7 Q. And that is in Nazareth?

8 A. Nazareth in the north, yes.

9 MS. SHAPIRO: Can we pull up InfoCom Search No. 28,  
10 please, page 91?

11 Q. (BY MS. SHAPIRO) Is this the same committee, the same  
12 organization? It says Islamic Relief Agency Nazareth. Is  
13 the Islamic Relief Committee sometimes called the Islamic  
14 Relief Agency?

15 A. Yes.

16 Q. And do you know -- It has the name of a person on the top  
17 here for the phone number. Says Dr. Soliman Ghabariyah. How  
18 do you say that?

19 A. Ghabariyah.

20 Q. And who is that?

21 A. He was the chairman of the Islamic Relief Committee and  
22 he was also the deputy or the vice chairman of Raed Salah and  
23 the Islamic movement. Raed Salah that we saw in the previous  
24 slide in the small picture, he is the deputy and the chairman  
25 of the Islamic Relief Committee.



1 Q. Okay. When it talks about scope of work under No. 2 it  
2 says, "Supporting orphans and needy families, sciences, and  
3 technology committee Jerusalem, Young Men Muslim Association  
4 Hebron," are those two organizations that we have seen and  
5 will be talking about?

6 A. Yes.

7 Q. All right.

8 THE COURT: Let's take an afternoon break. Let's  
9 take a 20-minute break.

10 (Whereupon, the jury left the courtroom.)

11 THE COURT: We will be in recess. Be back at 20  
12 till.

13 (Brief recess.)

14 THE COURT: Ms. Shapiro?

15 MS. SHAPIRO: Thank you.

16 Q. (BY MS. SHAPIRO) Before the break we were talking about  
17 the Islamic Relief Committee. Do you remember that?

18 A. Yes.

19 Q. Okay.

20 MS. SHAPIRO: If I can just have the map back for a  
21 moment, the PowerPoint slide.

22 Q. (BY MS. SHAPIRO) The Islamic Relief Committee in the  
23 box, you said that the Islamic Relief Committee sends money  
24 inside the territories. Correct? And it says here Hamas  
25 zakat committees Gaza and West Bank. Right? Now, does the

1 Islamic Relief Committee only support Hamas or did it support  
2 other people amongst the Palestinian population?

3 A. I checked 36 [sic] institutions in the West Bank and the  
4 Gaza Strip, and my conclusion was that 23 out of 26 were  
5 Hamas.

6 Q. Okay. I am sorry. I don't think you understood my  
7 question. Let me ask it a different way. My question was  
8 that the money that comes in through the Islamic Relief  
9 Committee is to support I think you said martyrs, prisoners, a  
10 special segment of the population. Is that right?

11 A. That is right.

12 MR. WESTFALL: Object to leading, Your Honor.

13 THE COURT: Do you want to rephrase?

14 Q. (BY MS. SHAPIRO) Is it the Islamic Relief  
15 Committee -- Who does it send its money to inside the  
16 territories?

17 A. Inside the territories?

18 Q. Right.

19 A. Yes, it can.

20 Q. But who? Who are the recipients of the money? Who is  
21 receiving it?

22 A. Charity institutions.

23 Q. Okay. Do the charity institutions provide only for Hamas  
24 members or also for other people?

25 MR. WESTFALL: Object to leading, Your Honor.

1 THE COURT: Overruled. You may answer that.

2 THE WITNESS: Not only for Hamas members. They also  
3 support non-Hamas members.

4 Q. (BY MS. SHAPIRO) Can you speak up just a little bit  
5 because I am having trouble hearing you. Thanks.

6 And why is that? Why would they support -- If they are a  
7 Hamas institution, why would they support more than Hamas  
8 members?

9 A. This is the basic idea of gaining the people's support.  
10 If you want to support -- If you want to gain the support of  
11 the people, if you focus on only one segment of the population  
12 you are not growing yourself. You are staying very small,  
13 very -- If you want to increase the support among the people,  
14 you give to a lot more -- to more population. This is the  
15 idea gaining the support and winning the hearts and minds, not  
16 focusing only on a small group, otherwise you will have the  
17 support of only a small group.

18 Q. Okay.

19 MS. SHAPIRO: Can we play HLF Search No. 75, just  
20 clip G, please?

21 (Whereupon, HLF Search No. 75, clip G was played in open  
22 court, while questions were propounded.)

23 Q. (BY MS. SHAPIRO) Who is in the picture?

24 A. This is Jamal Mansour.

25 Q. You saw reference to the Islamic Relief Committee?

1 A. Yes.

2 Q. Is this the same organization we are talking about?

3 A. Yes.

4 Q. Continue.

5 And could we -- You said that the Islamic Relief  
6 Committee was located in Nazareth.

7 A. Yes.

8 Q. Could you point out -- I am just going to show you a map  
9 to orient where it is. This is map No. 5.

10 MS. SHAPIRO: May I approach, Your Honor?

11 THE COURT: Yes.

12 Q. (BY MS. SHAPIRO) Where is Nazareth?

13 A. Here.

14 Q. In the north?

15 A. Yes.

16 MS. SHAPIRO: Could you pull up, please, Payments to  
17 Islamic RA?

18 Q. (BY MS. SHAPIRO) This is an exhibit that was prepared  
19 for this trial called Payments to Islamic Relief Agency. Is  
20 that the same organization that we are talking about now?

21 A. Yes.

22 Q. Okay. And you can see payments start April 1991. Could  
23 you go to the end of this document, please? The last payment  
24 is February 15th, 1996.

25 Is the Islamic Relief Committee still operating.

1 A. No.

2 Q. What happened to it?

3 A. It was shut down by the Israeli authority.

4 Q. In what year?

5 A. In 1996.

6 Q. Okay. Now, you testified earlier that based on your  
7 research these organizations that were in Europe and the  
8 United States, that international network, was sending money  
9 to charity committees inside the West Bank and Gaza. Have you  
10 seen -- From your work on the Islamic Movement case, have you  
11 seen evidence of money coming in from all those organizations?

12 A. Yes.

13 Q. Into the Islamic Relief Committee?

14 A. The Islamic -- Through the Islamic Relief Committee.

15 Q. Okay. All right. Now, I want to focus your attention  
16 now on some of the organizations that received the money, the  
17 zakat committees and the charitable societies, moving inside  
18 the West Bank and Gaza.

19 Are there specific committees in the West Bank and Gaza  
20 that are controlled by or operate on behalf of Hamas?

21 A. Yes.

22 Q. Okay. And are those the committees that the Islamic  
23 Relief Committee is sending money to?

24 A. Among others.

25 Q. And you said money went directly to those committees. Is

1     that right?

2     A.     That is right.

3     Q.     Does Hamas acknowledge that it runs charity committees?

4     Generally does it acknowledge it has a social wing?

5     A.     Yes, generally it does acknowledge that it has a social  
6     wing.

7     Q.     And does it identify by name which institutions are Hamas  
8     institutions?

9     A.     I want to divide my answer to two parts.    About the  
10    societies in the Gaza Strip, it is -- There are more  
11    publications that identify the societies in the Gaza Strip as  
12    Hamas.    The reason is because it was founded by Sheikh Ahmed  
13    Yassin.   I am talking about the Islamic Society the Islamic  
14    Center they were founded by Ahmed Yassin and the Muslim  
15    Brotherhood.   And after they were founded, they continued to  
16    be Hamas, so that is why we have more publications that  
17    identify them as Hamas.

18           The West Bank this is a different story.   And the Hamas  
19    don't -- They don't acknowledge the names of the charities,  
20    even although they say they have a charity network, they don't  
21    reveal the names, the Hamas leaders or the Hamas itself, the  
22    organization, don't give the names, the specific names.

23    Q.     And why don't they?

24    A.     The main reason is because Hamas is afraid that the money  
25    flow will stop.   It is afraid that in places where the Hamas

1 is banned it will cut its flow of money, and this is the main  
2 issue. For example, I heard Mahmoud Rumhi saying the same  
3 thing, Jamil Hamami in 1994, he said in an interview that this  
4 is a security issue we don't want to -- I am saying now. They  
5 don't want to reveal the names because they don't want to be  
6 targeted by Israel or by other countries.

7 Q. And you mentioned a lot in that response. Mahmoud Rumhi  
8 is that someone we will talk about later?

9 A. Yes.

10 Q. Who is he, just generally?

11 A. Mahmoud Rumhi was a member of the Ramallah charity  
12 committee, the Ramallah zakat committee, and also a senior  
13 Hamas member in the West Bank.

14 Q. Okay. And you mentioned Jamil Hamami.

15 A. One of the founders of Hamas in the West Bank.

16 Q. Okay. Now, if Hamas doesn't acknowledge to the world  
17 which committees are Hamas committees, what about in the local  
18 communities where they are providing services?

19 A. In the local communities, of course, it is important for  
20 the Hamas to acknowledge to their population that it operates  
21 social wings, and if outside they don't want to reveal the  
22 name or to expose the names of the committees. Inside the  
23 population are aware of this social, of this network, the  
24 leaders that runs those societies and activities, and other  
25 parameters that they use, I use as a professional, they all

1     assist -- They are helping the Hamas to acknowledge the  
2     population who really runs the committees. There are other  
3     indications that I can --

4     Q.     Is it fair generally to say that the local communities --

5             MR. DRATEL:  Objection; leading.

6             THE COURT:  Sustained.  Rephrase.

7     Q.     (BY MS. SHAPIRO)  Do the local communities understand  
8     which committees are Hamas, the population, the local  
9     population?

10    A.    Yes.

11    Q.    And to the world at large, does Hamas acknowledge that  
12    same information?

13    A.    No.

14    Q.    Okay.  Let me just ask you one other question.  Does  
15    Hamas run every committee in the West Bank and Gaza?

16    A.    No.

17    Q.    Okay.  So if one wanted to provide charity to needy  
18    Palestinian the West Bank and Gaza, could it do that?  Can  
19    people do that without giving to a Hamas institution?

20    A.    Yes.

21    Q.    Okay.

22             MS. SHAPIRO:  Can we play Elbarasse No. 33, please?

23             (Whereupon, Elbarasse Search No. 33 was played, while  
24    questions were propounded.)

25    Q.    (MS. SHAPIRO)  Do you recognize one of the people in the



1 picture here?

2 A. On the left is Khalid Mishal.

3 Q. Okay. And who did you say he was?

4 A. He is the leader of the Political Bureau of Hamas, leader  
5 of Hamas.

6 Q. Okay. Go ahead.

7 There was Abu Walid. What is Abu Walid?

8 A. This is the nickname of Khalid Mishal.

9 Q. Is what Khalid Mishal is saying here consistent with what  
10 we have been talking about in terms of providing for the  
11 martyrs and the detainees?

12 A. Very important for Hamas. Yes, it is consistent. The  
13 special segment is mentioned in this interview. And I think I  
14 reviewed this video and it mentions several times, at least  
15 another time, that he specifically is saying the martyrs is  
16 important for the Hamas organization.

17 Q. Let's continue.

18 Okay. So here Khalid Mishal is saying "American ears are  
19 listening, and we don't get money that way. Give it to  
20 someone you trust?" Do you see that? What does that mean in  
21 your analysis?

22 A. Consistent with what I say, the names, the I.D. is here,  
23 the idea of supporting families and all the segments and all  
24 the charity work and doing jihad with money I think he  
25 mentioned here in this interview, but it is not revealing the

1 specific names where a person who wants to donate or support.  
2 He doesn't give a single, of course, a single detail about  
3 where this man can give his money. Why? Because of security  
4 reasons. The American ears are listening.

5 Q. Okay. Now, I want to talk a little bit about the  
6 societies and the zakat committees in the West Bank and Gaza,  
7 the specific committees. Are there different kinds of  
8 charitable committees in the West Bank and Gaza?

9 A. Yes.

10 Q. Okay. And can you group them into two categories?

11 A. I can group them into two categories. The first category  
12 would be societies, these are societies that were established  
13 by the Muslim Brotherhood and controlled by the Muslim  
14 Brotherhood, like the Jama'iyah Islamiyah, which the Islamic  
15 Society in Gaza.

16 The other part, the other kind of charities are zakat  
17 committees, zakat committees that were under the supervision  
18 of the waqf. The waqf is the --

19 Q. I was going to interject a question so we don't pack too  
20 much information into an answer. You talked about societies  
21 and zakat committees. Right?

22 A. Right.

23 Q. You told us the societies are Muslim Brotherhood. And  
24 what about the zakat committees?

25 A. The zakat committee were formed during the '70s and the

1 '80s as a part of the Jordanian waqh the Jordanian --

2 Q. Define what that is for us. Could you spell it first,  
3 please?

4 A. W-A-Q-F.

5 Q. And what is the waqh?

6 A. The waqh is actually the ministry that deals with the  
7 religious affairs and endowments of the population. One of  
8 the offices that lasted from the Jordanian regime until '96 to  
9 '97.

10 Q. And the word zakat, do you know what that means?

11 A. Yes, zakat in free translation it is charity, charitable.  
12 But it has a meaning as one of the pillars of Islam a  
13 religious obligation of giving, a specific part of your money  
14 to charity. It is a very important part of Islam.

15 Q. Let's talk first about the societies and then we will get  
16 to the zakat committees in a bit.

17 The societies, you said that many were started by the  
18 Muslim Brotherhood?

19 A. Yes, many started.

20 Q. Were all of them Muslim Brotherhood?

21 A. No.

22 Q. Okay. And what it was goal of the Muslim Brotherhood?

23 A. The Muslim Brotherhood we are talking -- We are going a  
24 little bit back into history.

25 Q. A little historical background?

1 A. It is a little bit of historical background that started  
2 actually in Egypt in the '20s.

3 MS. HOLLANDER: Your Honor, I am going to object. I  
4 don't believe this witness is an expert on the Muslim  
5 Brotherhood.

6 THE COURT: Overruled. Go ahead.

7 THE WITNESS: And the idea was to fix or to create a  
8 new society, a new Muslim, to bring the Muslim back to their  
9 religion, and the goal was to create one state that is ruled  
10 by the sharia, by the Islamic law. That is the idea. And you  
11 do it by giving -- building a new society that is based on --  
12 it is a charity, it is services. This was the idea, very  
13 generally.

14 Q. Is it sort of a long-term vision?

15 A. It is a very long -- Yes, it is a very long vision. The  
16 first Muslim Brotherhood --

17 Q. Go ahead.

18 A. The first activity of the Muslim Brotherhood in the Gaza  
19 and Judea and Samaria was in the '40s, since 1940 and so on.  
20 And then after the Six Day War in the Gaza Strip and the West  
21 Bank there was a presence, increasing presence of the Muslim  
22 Brotherhood under the influence of the Muslim Brotherhood in  
23 Egypt.

24 Q. Okay. Let's slow down a little bit. Now, you talked  
25 about creating a new society. Did part of creating a new

1 society, were services provided as part of that return of  
2 Muslims to their religion?

3 A. Yes.

4 Q. Okay. And were those the kinds of services that we saw  
5 on your lifecycle slide?

6 A. Yes.

7 Q. And you started to mention that the Muslim Brotherhood  
8 was active in the Palestinian territories. Is that right?

9 A. That is right.

10 Q. Okay. And before the Six Day War which you mentioned,  
11 was the Gaza Strip part of Egypt?

12 A. Yes.

13 Q. And the Muslim Brotherhood was born in what country?

14 A. Egypt, the region.

15 Q. And who was the head of the Muslim Brotherhood in the  
16 Gaza Strip?

17 A. Since the '70s Ahmed Sheikh Ahmed Yassin was the leader  
18 of the Muslim Brotherhood in the Gaza trip.

19 Q. And did Sheikh Ahmed Yassin and the Muslim Brotherhood  
20 create institutions in the Gaza Strip for the purpose of  
21 providing these services that you have discussed?

22 A. Yes.

23 Q. And about what time frame are we talking about when the  
24 Muslim Brotherhood and Sheikh Yassin created these  
25 institutions?

1 A. Since the beginning or the mid '70s, the Islamic Center  
2 since '1973, and this is the kind of -- This is the period of  
3 time where it started to operate.

4 Q. And was the Muslim Brotherhood legal in the Gaza Strip?  
5 Could it operate openly?

6 A. They operated at the time openly, yes.

7 Q. And which government controlled the Gaza Strip during  
8 this time period the '70s and '80s?

9 A. The Israeli government.

10 Q. And did Israel have a civil administration of some kind  
11 that ran the civil affairs of the Gaza Strip?

12 A. Yes.

13 Q. And did the Muslim Brotherhood during that time need the  
14 permission of the Israeli government to operate its  
15 institutions?

16 A. In Gaza, yes.

17 Q. And did Israel give them permission?

18 A. Yes.

19 Q. Why would Israel give these societies these Muslim  
20 Brotherhood societies, permission to operate?

21 A. At that time they didn't perceive it a real threat, and  
22 Israel at that time was dealing, I would say, with the left  
23 wing faction that operated in Gaza and in territories like the  
24 Fatah, like other left wing that committed terrorist attacks.  
25 And in that time the Muslim Brotherhood were concentrated and

1 focusing on the social work inside and they didn't perceive at  
2 that time that it is a growing threat, so that is why they  
3 gave permission to the Muslim Brotherhood institution to  
4 operate freely.

5 Q. You mentioned that there were actually other violent  
6 attacks going on during that time period?

7 A. Yes.

8 Q. Is that right? And that was -- you mentioned Fatah. Was  
9 that the Palestine Liberation Organization?

10 A. This is the main organization of the PLO, yes.

11 Q. Okay. And what kinds of activities was it conducting  
12 during that time period of the '70s and '80s?

13 A. Explosive, bombs, plane kidnapping, the Olympics in 1972  
14 in Munich one of the operations of the PLO.

15 Q. What happened at the Olympics in Munich?

16 MR. DRATEL: Object to relevance, Your Honor, as  
17 well as 403.

18 THE COURT: Overruled. Go ahead.

19 Q. (BY MS. SHAPIRO) Go ahead.

20 A. Was attacked when the Israeli sport mission to the  
21 Olympics in Munich in 1972, and 11 sport --

22 Q. When you say sport?

23 A. Athletes, 11 athletes were killed in that attack.

24 Q. Okay. And compared to those kinds of attacks that were  
25 going on during that period, what were the Muslim Brotherhood

1 or the Islamist organizations engaged in?

2 A. They were engaged mainly on social services,  
3 maybe -- They were not engaging in terrorist acts at that  
4 time.

5 Q. And in fact did the Israeli government even give support  
6 to those organizations?

7 A. In a way it gave support in the beginning, yes. I think  
8 so. It gave support. It gave permission. It let it operate  
9 because it was a counterweight to the Fatah. That was the  
10 thinking then. Israel didn't perceive, as I said, the Muslim  
11 Brotherhood as an immediate threat. And comparing to the  
12 Fatah, for the Israeli government it was a way to give the  
13 support of the Muslim Brotherhood a counterweight to the Fatah  
14 terrorist attack.

15 Q. And did there come a time when the Muslim Brotherhood  
16 figures began to engage in violent activities?

17 A. Yes.

18 Q. And when was that, about?

19 A. In the '80s.

20 Q. About what year?

21 A. About around -- There were early cells that operated in  
22 the '80s, but in 1985 Ahmed Yassin was arrested with others,  
23 other Muslim Brotherhood members.

24 Q. Why was Ahmed Yassin arrested?

25 A. There were charges of planning attacks and holding



1 possession of weapons. That was the main charge.

2 Q. Okay. Now, around 1985 at this time what major social  
3 welfare associations did the Muslim Brotherhood have up and  
4 running then?

5 A. In 1985?

6 Q. Yes.

7 A. Three organizations, three central organizations called  
8 the Islamic Society in Gaza, the Islamic Center, the Mujama'a  
9 Islami in Gaza, and the al-Salah Society.

10 Q. And what happened to those institutions when Hamas  
11 formally came into existence in 1987?

12 A. As the Hamas was founded, the Muslim Brotherhood  
13 institution became -- with the formation of Hamas it naturally  
14 became Hamas.

15 Q. And Sheikh Ahmed Yassin, he was Muslim Brotherhood. Did  
16 he also become Hamas?

17 A. He was the Hamas founder and he also was the founder of  
18 the Mujama'a Islami. So what happened to this society is that  
19 they were part of Hamas. Actually the Hamas was created based  
20 on the society.

21 Q. And when you say Mujama'a that is the Arabic word for the  
22 Islamic Center?

23 A. Yes.

24 Q. And that is where the ceremony in Demonstrative No. 10  
25 took place in 2007?

1 A. Yes.

2 Q. Now, that is the Gaza Strip. Now, moving to the West  
3 Bank, were there Muslim Brotherhood institutions in the West  
4 Bank?

5 A. There were Muslim Brotherhood institutions in the West  
6 Bank. There were less institutions or there were few  
7 institutions including the Islamic Charitable Society in  
8 Hebron, there was al-Tadamoun the society in Nablus.

9 Q. About when were those organizations established, those  
10 Muslim Brotherhood organizations? About what time were they  
11 established? What year, approximately?

12 A. Al-Tadamoun was established in 1956, though it doesn't  
13 say it was admittedly a Muslim Brotherhood organization. I am  
14 just saying it became a Muslim Brotherhood before the Hamas  
15 was founded. I am talking about al-Tadamoun. The Islamic  
16 Charitable Society was founded as the Muslim Brotherhood.

17 Q. And do you know about what year?

18 A. If I recall correct, it was 1984, I think.

19 Q. And when the Muslim Brotherhood organizations in the West  
20 Bank, when Hamas was formally established in 1987, what  
21 happened to those organizations?

22 A. They became Hamas also.

23 Q. Okay. Now, turning away from the societies for a moment  
24 and talking about the zakat committees, did they develop in a  
25 different way?

1     A.    They developed in a different way.  As I said before,  
2     they were not part of Hamas at the time of the formation.  
3     Most of the -- I say most of the central committees that  
4     operated in the big cities of the West Bank were established  
5     in the '70s and in the '80s.  Now, in the first place they  
6     were operating under the Jordanian waqh, the Jordanian  
7     religious ministry.

8     Q.    Okay.  Are you familiar with the committees at issue in  
9     this case?

10    A.    Yes.

11    Q.    And what time frame were those committees established?

12    A.    In the '70s and the '80s.  For example, Jenin is 1984,  
13    and Tulkarem is 1981.  That period --

14    Q.    About that time, '70s and '80s?

15    A.    '70s and '80s.

16    Q.    But before Hamas became a formal organization.  Is that  
17    fair?

18    A.    Before, yes.

19    Q.    Okay.  And you said that they were under the Jordanian  
20    waqh.  So let me just understand, because again which  
21    government is in control of the West Bank during this time?

22    A.    Israeli government.

23    Q.    So why would the zakat committees be operating under a  
24    Jordanian body?

25    A.    The policy of Israel was not to interfere or not to

1     let -- In the religious issues not to interfere with the waqh,  
2     the Jordanian waqh. That was the policy at that time. And  
3     again, the perception was that it is no threat or no immediate  
4     threat under this circumstance.

5     Q.    So did the Jordanians essentially have control of these  
6     committees, even though Israel had control of the West Bank?  
7     Is that right?

8     A.    I would say that the Jordanian had control, and according  
9     to the Jordanian law from 1966, if I remember, so they were  
10    operating under the Jordanian law. The workers were  
11    Palestinian.

12    Q.    Were they registered with the waqh?

13    A.    They were registered with the waqh.

14    Q.    And so they would have certificates of that nature?

15    A.    They would have certificates, yes.

16    Q.    Now, when Hamas came into existence formally in 1987,  
17    what happened to the zakat committees? And I am talking about  
18    the collection of zakat committees that are at issue in this  
19    case.

20    A.    They were not automatically became Hamas. Hamas take  
21    them over after it was founded. Hamas realized after it was  
22    formed, Hamas realized very soon that they are missing, I  
23    would say, those kind of organizations that they have in the  
24    Gaza Strip, the big organizations, the Islamic Society and  
25    that is why the Hamas started to invest efforts to take over

1     those zakat committee. And since 1988 in the gradual process  
2     the Hamas succeeded to take the central zakat committees in  
3     the West Bank.

4     Q.    Okay. Let me just show you a document from 1991.

5                 MS. SHAPIRO: If we can put up Elbarasse Search No.  
6     22. Can you go to the English translation?

7     Q.    (BY MS. SHAPIRO) Have you seen this document before?

8     A.    Yes, I have.

9     Q.    Does this illustrate in any way the idea of a gradual  
10    takeover of the zakat committees?

11    A.    Yes. This is kind of a status of "which committees is  
12    ours, and what is the situation regarding to the zakat  
13    committee, how we can" -- This is the Hamas control over the  
14    committees. And there is a specific mention in the document,  
15    each committee what is the status, and I can review it and  
16    just say -- just read it.

17    Q.    And some of the people that are listed in here, we will  
18    talk about them later, but are they familiar to you?

19    A.    Yes.

20    Q.    Now, during this process of taking over, when would you  
21    say that these committees were fully controlled by Hamas?

22    A.    I would divide it to three stages. The first stage was  
23    just after the Hamas was formed. In 1988 I think that the  
24    Hamas started to take -- They had a presence in some of the  
25    committees. In 1991, according to my research, most of the

1 committees were in the point of no return when they had  
2 heavyweight in these committees. The process didn't end at  
3 this time, and it lasted until 1994. So it was not a race  
4 that we have a specific time that you can say, okay, from this  
5 and this it is finished. It was a gradual process where  
6 member after member, Hamas members one by one just entered  
7 into the committees, elected --

8 Q. How would they get these people into the committees? How  
9 did Hamas get its people in?

10 A. Some of the persons were already there as Muslim  
11 Brotherhood, identified as Muslim Brotherhood. The others  
12 just were -- Some of them were appointed by the waqf. Some of  
13 them were elected, an election that they had in the  
14 committees. So it was -- There was a variety of ways how  
15 Hamas activists got into -- entered these committees.

16 Q. And by 1994, I think you said this process was  
17 essentially complete. What happened in 1994?

18 A. In 1994 the Palestinian Authority came into the  
19 territories and formed its regime as a part of the Oslo  
20 Accords.

21 Q. Okay. And when the Palestinian Authority was created and  
22 took over administration of these areas, were the zakat  
23 committees--again, I am talking about the ones at issue in  
24 this case--were they already fully under the control of Hamas?

25 A. Yes.

1 Q. And what happened to the Jordanian waqh once the  
2 Palestinian Authority was created?

3 A. The Jordanian waqh at this time, actually it turned to  
4 the Palestinian I mean, the Palestinian regime also they had  
5 the ministry of endowments, the Palestinian waqh, and at that  
6 time this is --

7 Q. Did the PA create such an entity, a ministry of -- What  
8 did you call it? Endowments or religious affairs?

9 A. Yes, they have a minister of endowment.

10 Q. And were committees required to register with the new  
11 waqh with the Palestinian Authority offices?

12 A. Yes, but those were registered as before, actually just  
13 they didn't need to do any special things. They just -- The  
14 registration went to the Palestinian ministry.

15 Q. So was it sort of automatic?

16 A. Almost automatic, yes. I don't know in my research of a  
17 committee that was turned down in the registration in the  
18 Palestinian ministry.

19 Q. Okay.

20 A. Certainly these committees that we are talking here, they  
21 just continued to operate in the way they were registered.

22 Q. So they would all have sort of the registration  
23 certificates or licenses to operate?

24 A. Yes.

25 Q. And did at some point the Palestinian Authority come to

1 understand that the Hamas control over these zakat committees  
2 was a problem?

3 A. I think from the beginning. Not I think. There is  
4 strong indication that the Hamas -- That the PA, the  
5 Palestinian Authority thought those committees are controlled  
6 by Hamas and they are a threat in the early stages after the  
7 forming of the Palestinian Authority.

8 Q. So why didn't the PA do something about it?

9 A. At that time the Hamas, first before Hamas was  
10 extremely -- They had fully control of these committees. They  
11 had a firm stronghold in the population. This was a delicate  
12 political balance. The Palestinian Authority, that was just  
13 formed. They didn't want to fight, to go into a struggle with  
14 Hamas that has a presence and that support in the population  
15 at that time. So that is why all the time we are talking  
16 about very delicate balance between those two entities. The  
17 Palestinian Authority from one side and the Hamas, I would say  
18 they were opponent. They were rivals. There was a rivalry  
19 between those. But the PA didn't want to go to civil war just  
20 after it was formed.

21 MS. SHAPIRO: Can we pull up HLF Search No. 107,  
22 please?

23 Q. (BY MS. SHAPIRO) This is a book called Middle East  
24 Affairs.

25 MS. SHAPIRO: We have to go to the translation. I



1 think it is page 11 maybe of the translation.

2 Q. (BY MS. SHAPIRO) In the bottom paragraph, " Hamas' social  
3 and educational activities in the occupied territories have  
4 become" -- Before I start reading this, let's look at who  
5 authored this article.

6 MS. SHAPIRO: Do we have the table of contents? The  
7 first page of the translation? There is no translation? It  
8 is in English. Of course.

9 Q. (BY MS. SHAPIRO) Okay. What we are looking at is The  
10 "Legitimacy of Palestinian Resistance and the Islamist  
11 Perspective" from Azzam Tamimi. Do you know who Azzam Tamimi  
12 is?

13 A. Yes.

14 Q. Who is Azzam Tamimi?

15 A. Azzam Tamimi is a scholar that defined himself a Hamas  
16 supporter, Hamas and Hezbollah supporter.

17 Q. Has he written books?

18 A. He has written books, and lately he wrote a book about  
19 the Hamas History From Within. So it is a very close to the  
20 Hamas organization.

21 Q. Okay. Let's look at what he wrote back to where we were.  
22 " Hamas' social and educational activities in the occupied  
23 territories have become so entrenched within the Palestinian  
24 community that neither the Israelis nor their peace partners  
25 in the Palestinian Authority have been able to eliminate them.

1 The fact of the matter is that Hamas, contrary to Israeli  
2 assessment, acts as an infrastructure to the numerous  
3 cultural, educational, and social institutions in Gaza and the  
4 West Bank that render invaluable and irreplaceable services to  
5 the public. In other words, it is Hamas that gives life to  
6 these institutions and not the reverse. The Israelis have  
7 repeatedly told the PA to close them down. The PA has tried  
8 but failed."

9 Is that consistent with your research with respect to the  
10 difficulties of the relationship between the PA and Hamas?

11 A. The difficulty as it is expressed in this paragraph that,  
12 first of all, the PA tried but failed, and at that time these  
13 zakat committees are controlled by Hamas. It is something  
14 that is expressed very well in the article. And the Hamas  
15 gives those institutions the power, and that is what it said  
16 in the article. They are not existed without Hamas.

17 Q. And did in fact there come a time when the Palestinian  
18 Authority from time to time would attempt to close these  
19 committees?

20 A. Yes.

21 Q. And based on your research, when did they start trying to  
22 attempt to take some control over them?

23 A. There were several times that the PA took some actions  
24 against the zakat committees in the West Bank and the Gaza  
25 Strip, started in 1996, for example, after under the pressure

1 from outside, from the U.S. and Israel, because of serious  
2 attacks by Hamas, the PA took some actions against several  
3 social institutions of Hamas, including the Islamic Society  
4 and the Mujama'a Islami and leaders of Hamas, including social  
5 leaders of Hamas.

6 It happened in 1997. But each time it happened, the  
7 Hamas actually responded very, very aggressively, and even  
8 threatened the PA if it will not reopen those societies that  
9 were closed, so the Hamas will react. And so that is why  
10 shortly after the PA, the Palestinian Authority, shut down the  
11 social institution of Hamas, the PA reopened these  
12 institutions.

13 Q. Did they also close some of -- the PA, did it close from  
14 time to time some of the zakat committees in the West Bank?

15 A. Yes.

16 Q. Which ones come to mind that you remember?

17 A. 1996, the Jenin zakat committee, in 2001 several zakat  
18 committees, in December 2001 several zakat committees in the  
19 West Bank, also al-Tadamoun in 2001.

20 Q. Is the Ramallah zakat committee shut down ever by the PA?

21 A. No, not the Ramallah zakat committee, but related other  
22 Hamas zakat committees were shut down by the PA, institutions  
23 that relates to the zakat committee in Ramallah.

24 Q. Okay.

25 A. Also in 2003 there were -- Again the PA froze bank

1 accounts of some of the Hamas social institutions in the Gaza  
2 Strip.

3 Q. Okay. Now, in the period you said 1994 and onward, if I  
4 understand you correct, that the Hamas had control of these  
5 institutions. Is that right?

6 A. Yes.

7 Q. Okay. Now, if you were a researcher, let's say an  
8 American researcher, and you went and knocked on the door of  
9 one of those committees, would --

10 MR. DRATEL: Objection, Your Honor.

11 MS. SHAPIRO: Should I finish the question so I  
12 understand the objection.

13 MR. DRATEL: What is the basis of this? It is  
14 complete speculation by an American researcher in 1994 when he  
15 wasn't doing this work.

16 THE COURT: Overruled. Go ahead and ask your  
17 question.

18 Q. (BY MS. SHAPIRO) If a researcher from the United States,  
19 based on your research and your opinion, what you know, went  
20 and knocked on the door of one of these zakat committees and  
21 asked, "Are you a Hamas committee," would the committee --  
22 what would the committee do?

23 MR. DRATEL: Objection, Your Honor.

24 Q. (BY MS. SHAPIRO) In your opinion what would happen?

25 THE COURT: He may state an opinion. Overruled. Go

1 ahead.

2 THE WITNESS: I expect -- I don't expect a zakat  
3 committee to expose its affiliation to Hamas.

4 Q. (BY MS. SHAPIRO) And if someone called up from the  
5 United States, for example, and made an appointment with  
6 somebody at the committee for an interview, say even a  
7 journalist, would you expect the zakat committee to  
8 acknowledge its Hamas affiliation?

9 MR. WESTFALL: Object to leading, Your Honor.

10 THE COURT: Overruled. Go ahead.

11 THE WITNESS: I don't expect a zakat committee to  
12 expose itself to outside from the territories to be targeted  
13 by either its Israeli, by a European country, by other states.  
14 I think this is something that they will not do. They will  
15 not expose themselves, because they know that they will be  
16 targeted because the Hamas is banned in many places and they  
17 will not do it. That is my opinion.

18 Q. (BY MS. SHAPIRO) Okay. Now, we are talking about sort  
19 of the relationship between the Palestinian Authority and  
20 Hamas. Did there come a time when Hamas actually participated  
21 in the general elections of the Palestinian Authority?

22 A. Yes.

23 Q. When was that?

24 A. 2006 in the general election. There were also local  
25 elections before in 2005 and also the Hamas participated in

1     some of the elections in many places.

2     Q.    And when you say general election, do you mean a  
3     parliamentary election?

4     A.    Parliamentary.

5     Q.    Who is the president of the PA?

6     A.    The president of the PA today is Mahmoud Abbas from the  
7     Fatah faction.

8     Q.    In 2006 he was president?

9     A.    Yes.

10    Q.    Okay.  And when he had these parliamentary elections did  
11     Hamas run on a ticket with a political party, or did it have  
12     another name?

13    A.    Yes.

14    Q.    What was the name of that?

15    A.    It is run the al-Isla -- I need to translate it to  
16     English.  I forgot the translation.

17    Q.    Change and reform.  Does that refresh your memory?

18    A.    Yes.

19    Q.    And was that the change and reform ticket?

20    A.    Yes.  This is the Hamas party that they ran in 2006.

21    Q.    All right.  And what were the results of that election?

22           MS. MORENO:  Your Honor, may we have a standing  
23    objection as to the relevance of this.  Five years after the  
24    Holy Land closed down, the witness is talking about an  
25    election.  There would be a relevance objection.

1           THE COURT: As to the relevance, you may have a  
2 standing objection. Go ahead.

3 Q. (BY MS. SHAPIRO) What were the results of that election?

4 A. Hamas had a big victory in the parliamentary election.

5 Q. Did Hamas attribute its success in those elections to  
6 anything in particular?

7 A. There were several expressions by Hamas leaders like  
8 Mahmoud Rumhi said that the charity, social work brought this  
9 victory. He was not the only one who said that, but he was  
10 interviewed in the BBC and said it loud and clear.

11 Q. And after those elections where you said Hamas got a  
12 majority, was the parliament then controlled by Hamas at that  
13 point?

14 A. Yes.

15 Q. And who had the presidency?

16 A. Abu Mazin from the Fatah. They had the coalition, but  
17 the Hamas had the majority in the parliament and the  
18 government.

19 Q. So you had both the Fatah and Hamas together in the  
20 government?

21 A. Yes.

22 Q. Okay. And how did that arrangement work out?

23 A. Well, it didn't work out very well.

24 Q. Did there come a time when Hamas took up arms against the  
25 PA, against Fatah?

1 A. Yes.

2 Q. When was that?

3 A. In summer 2007.

4 Q. And what happened?

5 A. The Hamas just attacked Abu Mazin and there was -- I  
6 would say there was a civil war, short civil war. Fatah was  
7 beaten by Hamas and Hamas took control of the Gaza Strip, full  
8 control of the Gaza Strip.

9 Q. While the civil war was going on in Gaza, what was  
10 happening in the West Bank?

11 A. In the West Bank there are many events of retaliation I  
12 would say by people in the West Bank against Hamas  
13 institutions, and some of the zakat committees were also  
14 attacked because they were identified as a Hamas Institution  
15 by those who attacked them.

16 In the same days that the Hamas took over in the Gaza  
17 Strip, Fatah activists and other activists attacked Hamas  
18 institutions all over, and the Hamas complained about these  
19 attacks.

20 Q. Okay. So you had this violence occurring both in Gaza  
21 and the West Bank. What was the result of the civil war? How  
22 did we end up, with Gaza and the West Bank?

23 A. The West Bank -- The Gaza Strip is fully controlled by  
24 Hamas and the West Bank is controlled by the Fatah, Abu Mazin  
25 as the president and the government that he established after



1     that.

2     Q.    Okay.  And after Hamas took over the Gaza Strip, did the  
3     Palestinian Authority's attitude toward Hamas' social  
4     institutions, the zakat committees, did that attitude change?

5     A.    Dramatically, I would say.

6     Q.    What happened?

7     A.    Bawatneh which is the minister of endowments, the waqf --

8     Q.    What was his name?

9     A.    Jamal Bawatneh.

10    Q.    How would you spell that?

11    A.    B-A-W-A-T-N-E [sic].

12    Q.    Okay.

13    A.    He announced that he is -- a resolution of the  
14    Palestinian Authority to dissolve 92 zakat committees all over  
15    the West Bank; all the zakat committees actually.

16    Q.    Did he replace them?  What did he do with them?

17    A.    He reorganized everything, all the committees into 11  
18    district committees and they also dismissed all the activists  
19    that worked in the old 92 zakat committees.

20    Q.    And was this action that the PA took to close the zakat  
21    committees and reorganize them?

22           MR. DRATEL:  Leading.

23           MS. SHAPIRO:  I am summarizing, Your Honor.

24           THE COURT:  I think you are leading.

25           MS. SHAPIRO:  I am sorry.  I apologize.  The

1 language barrier makes it a little harder to ask an open-ended  
2 question.

3 Q. (BY MS. SHAPIRO) Was there publicity surrounding the  
4 action of the PA with respect to this reorganization?

5 A. Yes. The Hamas leaders denounced had -- They accused the  
6 Fatah and the PA that they are taking action against the Hamas  
7 because of political affiliation. The Hamas denounced --  
8 really they were really angry at this move after they  
9 dissolved, after the dissolution Of all the committees reacted  
10 very, very, very strong against this. And it implies against  
11 Hamas' attitude towards this committee.

12 Q. Okay. So now we have heard just some background, the  
13 history from the '70s through the present of these committees.  
14 Now I want to focus on our committees during time period of  
15 1995 to 2001.

16 THE COURT: Let's go ahead and recess here for the  
17 day. Let's go ahead and break.

18 Be back at 9:00 in the morning. Please recall the  
19 instructions about not discussing the case with anyone. See  
20 you back at 9:00 in the morning.

21 (Whereupon, the jury left the courtroom.)

22 THE COURT: You can have a seat. We will wait for  
23 the jury to leave.

24 Any matters we need to bring up before we recess?

25 MR. DRATEL: Yes, Your Honor. The last bit of

1 testimony I think in the context of 403 and *al-Moayad* and what  
2 the real issues are in this case, I think was so far beyond  
3 the bounds in terms of introducing things that are so  
4 prejudicial that they cannot be overcome, and particularly --  
5 In essence what the Government has done is said that Holy  
6 Land's aid to Palestinian people in the zakat committees is  
7 responsible for the election of Hamas and a civil war, so I  
8 would move for a mistrial on those grounds. It is so long  
9 after, it is so attenuated that it cannot -- Even if it is  
10 relevant it cannot overcome the prejudicial impact, the unfair  
11 prejudicial impact.

12 MS. MORENO: Join on behalf of Mr. Elashi.

13 MS. CADEDDU: Join on behalf of Mr. Abdulqader.

14 MS. HOLLANDER: And Mr. Baker.

15 MR. WESTFALL: And Mr. Odeh as well.

16 MS. SHAPIRO: This is background histories of these  
17 committees which the Defense will rely heavily on, and asked  
18 many witnesses about these committees predated the time of  
19 Hamas. It is important for the jury to understand the  
20 history. The implication was not at all that the committees  
21 caused civil war or caused the elections, but it is part of  
22 the history and part of how we know that certain people are  
23 Hamas because they ran on a Hamas ticket, for example, is one  
24 way to know they were Hamas.

25 THE COURT: That is one thing. But I didn't see any

1 of that. Except maybe an individual name or so, you went well  
2 beyond that in terms of somebody running on a Hamas ticket to  
3 identify them as Hamas. That is one thing. You did go well  
4 beyond that. I was having trouble understanding the relevance  
5 of what is happening in --

6 MS. SHAPIRO: It is also important to understand  
7 that the PA recognizes these committees as Hamas, so they went  
8 so far as to reorganize them. And what caused that  
9 reorganization was the violent confrontation. Before there  
10 was this delicate balance, there was this political working it  
11 out which caused them to coexist. But after there was actual  
12 violent clashes a whole different attitude prevailed, and that  
13 history is very important to understand how these committees  
14 operate and why they were allowed to operate.

15 And I think I am safe in assuming that the Defense will  
16 argue to the jury that the fact that the PA could have taken  
17 action against them, that that undermines the Government's  
18 argument that these committees were controlled by Hamas. We  
19 think it is fair and appropriate to give the jury an  
20 understanding of the background and history.

21 MS. MORENO: Excuse me, Your Honor. If I may, to  
22 2001, not six years later, which is what the Government now  
23 has brought in before the jury the history after the Holy Land  
24 is closed down, no more operation, no more money to these  
25 zakat committees, and they have now brought before the jury

1 the civil war and the conflict.

2 MR. DRATEL: And, Your Honor, it is not history.  
3 Many of these events we are talking about happened while we  
4 were on trial last year and afterwards. This is not history.

5 MS. HOLLANDER: My concern, Your Honor, is that we  
6 are now going to have to deal with all of this period of time  
7 in 2001 until 2006 to this election, and talk about it,  
8 because, frankly, I believe that our experts will not agree  
9 with what happened, with why the PA took over, but it is  
10 really completely irrelevant to our case, and yet we can't  
11 just let it go unanswered and that is the problem with this.

12 THE COURT: All right. Any other issues we need to  
13 address?

14 MS. MORENO: Your Honor, there will be a 106 issue  
15 with respect to I believe a tape that the Government is going  
16 to introduce. We can discuss it very briefly in the morning,  
17 if the Court wishes.

18 THE COURT: Through this witness?

19 MS. MORENO: I think so.

20 THE COURT: Do you know the exhibit number?

21 MS. SHAPIRO: I think it is Jenin Zakat No. 6.

22 THE COURT: Is that in that latest disk.

23 MS. SHAPIRO: That is in the very initial set of  
24 exhibits.

25 MS. MORENO: No one has testified to it. It is in

1 evidence, but there is a 106 issue. It is a video, Your  
2 Honor.

3 THE COURT: Do you have a transcript of what you are  
4 wanting to ad?

5 MS. MORENO: Yes, we do. It was in last year.

6 THE COURT: I mean do you have it like now so I can  
7 take a look at it.

8 MS. MORENO: I will get it as soon as I can get my  
9 hands on it.

10 THE COURT: Why don't you email that so we can take  
11 a look in the morning before we get here.

12 MS. HOLLANDER: Your Honor, I still have this Hamami  
13 issue, Your Honor, that this witness also has talked about,  
14 Jamil Hamami, and I don't know -- It will take me about 30  
15 seconds to explain why I believe we are entitled to his 302s,  
16 but I am concerned about this because it is going to come up  
17 again with this witness.

18 THE COURT: Okay. Go ahead. Make your --

19 MS. HOLLANDER: I haven't seen them, of course, and  
20 Your Honor has. If these are 302s that were written by Agent  
21 Burns or Agent Miranda, both of whom talked about Jamil  
22 Hamami, then if they relate to their testimony, that is the  
23 test under Rule 26.2 and the *Jencks* Act. And Agent Burns has  
24 testified that Hamami told her he was -- She learned -- She  
25 didn't say what he told her. She said she learned he was

1 excommunicated from Hamas in 1995. If Jamil Hamami when she  
2 met with him told her something different, then that would  
3 certainly relate to her testimony. If he said anything about  
4 whether -- about Holy Land and its relationship to his  
5 committee and Hamas, that would reasonably relate to her  
6 testimony. And Agent Miranda testified that the meeting with  
7 Hamami was in 2004, and all we ever received from the  
8 Government was a letter in 2006, which I believe Your Honor  
9 has because they attached it to their response to the 302s,  
10 which simply said they met with him in 2002 and he said that  
11 his organization, although he was a member of Hamas, his  
12 organization was not.

13 And if those 302s go beyond that and talk about Holy Land  
14 or contradict their testimony, or in any way relate to their  
15 testimony and they wrote them, then I believe we are entitled  
16 to them, and that is my concern about them.

17 THE COURT: Mr. Jonas?

18 MR. JONAS: You ruled on this the other day, Your  
19 Honor, and you denied them.

20 THE COURT: She had wanted to I think make, I guess,  
21 you said something for the record, I guess just your argument.

22 MS. HOLLANDER: Yes, sir. I would like them to be  
23 made as part of the record.

24 THE COURT: They are going to be made a part of the  
25 record.

1 MS. HOLLANDER: As a Court exhibit. But I just  
2 wanted to explain why I was concerned about them.

3 THE COURT: All right.

4 MS. SHAPIRO: Your Honor, can I say one last thing  
5 on the issue of the history, that last year the events of the  
6 election and the parliamentary election and the change in  
7 reform ticket into 2006 was discussed freely and often at last  
8 year's trial, so it had not occurred to me it would even  
9 elicit an objection.

10 MR. DRATEL: Your Honor, last year we objected to  
11 anything after December 4th, 2007. This year we did also,  
12 both trials. Obviously both courts allowed the Government to  
13 put in that evidence, and we were simply meeting it. We  
14 always wanted the end date to be December 4th, 2001.

15 THE COURT: All right. We are in recess. Be back  
16 at 8:45, then.

17 (End of day.)

18

19

20

21

22

23

24

25



1 I HEREBY CERTIFY THAT THE FOREGOING IS A  
2 CORRECT TRANSCRIPT FROM THE RECORD OF  
3 PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.  
4 I FURTHER CERTIFY THAT THE TRANSCRIPT FEES  
5 FORMAT COMPLY WITH THOSE PRESCRIBED BY THE  
6 COURT AND THE JUDICIAL CONFERENCE OF THE  
7 UNITED STATES.

8  
9 S/Shawn McRoberts

06/06/2009

10 \_\_\_\_\_DATE\_\_\_\_\_  
11 SHAWN McROBERTS, RMR, CRR  
12 FEDERAL OFFICIAL COURT REPORTER  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25